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DURBAN REVIEW CONFERENCE  
Preparatory Committee  
Third substantive session  
Geneva, 15-17 April 2009

**ANNOTATIONS TO THE PROVISIONAL AGENDA**

**CONTENTS**

<i>Item</i>	<i>Paragraphs</i>	<i>Page</i>
1. Adoption of the agenda .....	2	
2. Organization of work .....	3 - 9	
3. Report of the intersessional open-ended intergovernmental working group mandated to continue and finalize the process of negotiations on and drafting of the outcome document .....	10 - 12	
4. Draft outcome document of the Durban Review Conference .....	13 - 17	
5. Organization of the work of the Durban Review Conference and other matters .....	18 - 29	
6. Adoption of the report of the Preparatory Committee .....	30	

### **Opening of the session**

1. Pursuant to decision PC.3/108 of the Preparatory Committee for the Durban Review Conference, the Preparatory Committee will convene its third substantive session at the United Nations Office at Geneva for up to three working days, from 15 to 17 April 2009. The session will be opened by the Chairperson of the Preparatory Committee.

#### **Item 1. Adoption of the agenda**

2. At its third session, the Preparatory Committee will have before it the provisional agenda (A/CONF.211/PC.4/1), which is based on the agenda of its second substantive session. The following changes were made:

(a) Former agenda items 3 and 4 relating, respectively, to “Reports of preparatory meetings and activities at the international, regional and national levels” and “Review of reports, studies and other documentation for the Preparatory Committee and the Durban Review Conference and contributions of human rights bodies and mechanisms” were deleted, since action on those items had been completed at the previous sessions of the Preparatory Committee;

(b) Pursuant to Preparatory Committee decision PC.3/9, a new item 3 entitled “Report of the intersessional open-ended intergovernmental working group mandated to continue and finalize the process of negotiations on and drafting of the outcome document” was added to the agenda.

#### **Item 2. Organization of work**

3. In its decision PC.1/1, the Preparatory Committee decided to use as its rules of procedure the rules of procedure of the General Assembly, section XIII, insofar as applicable.

4. In its decision PC.1/2 on participation of observers at the sessions of the Preparatory Committee, the Preparatory Committee decided that the mechanism established by the Economic and Social Council in its resolution 1996/31 and the practices observed by the Commission on Human Rights would be the framework for participation and accreditation of non-governmental organizations. In the same decision, the Preparatory Committee established a procedure for accreditation of non-governmental organizations, providing that, in the event that a Government raises questions concerning the accreditation of a non-governmental organization, the final decision on those cases should be taken by the Preparatory Committee, in accordance with the standard process set out by the Council in its resolution 1996/31.

5. As a follow-up to its decisions on matters relating to the accreditation of non-governmental organizations, the Preparatory Committee will have before it a note by the Secretariat (A/CONF.211/PC.4/3).

6. The Preparatory Committee may wish to recall that the following documents containing specific contributions to the preparatory process for the Durban Review Conference were issued for the first and second substantive sessions of the Preparatory Committee and for its intersessional open-ended intergovernmental working group:

A/CONF.211/PC.2/8	Contributions submitted by the Special Rapporteur on the right to education to the questionnaire prepared by the Office of the United Nations High Commissioner for Human Rights, pursuant to decision PC.1/10 of the Preparatory Committee of the Durban Review Conference at its first session
A/CONF.211/PC.2/CRP.2	Compilation of contributions submitted by specialized agencies of the United Nations system, United Nations bodies, regional and other intergovernmental organizations and non-governmental organizations
A/CONF.211/PC.2/CRP.4	Compilation of conclusions and recommendations adopted by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action
A/CONF.211/PC.2/CRP.5	Replies to the questionnaire submitted by the Committee on the Elimination of Racial Discrimination
A/CONF.211/PC.2/CRP.6	Replies to the questionnaire by States
A/CONF.211/PC/WG.1/5	Joint contribution by special procedures mandate-holders
A/CONF.211/PC/WG.1/CRP.1 and Add.1	Notes by the Secretariat containing a summary of additional replies to the questionnaire by States
A/CONF.211/PC/WG.1/CRP.2	Working document submitted by the Chairperson-Rapporteur of the intersessional working group
A/CONF.211/PC.3/2	Report of the intersessional open-ended intergovernmental working group to follow up the work of the Preparatory Committee
A/CONF.211/PC.3/3 and Add.1	Report of the Regional Conference for Latin America and the Caribbean preparatory to the Durban Review Conference (Brasilia, 17-19 June 2008)
A/CONF.211/PC.3/4	Report of the Regional Preparatory Meeting for Africa for the Durban Review Conference (Abuja, 24-26 August 2008)

A/CONF.211/PC.3/5	Note verbale dated 8 October 2008 from the Permanent Mission of Sri Lanka to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights transmitting the contribution of the Asian region to the Durban Review Conference
A/CONF.211/PC.3/6	Note by the Secretariat transmitting the contribution by the European Union to the Durban Review Conference
A/CONF.211/PC.3/9	Response by the Working Group of Experts on People of African Descent to the questionnaire transmitted by the Secretariat (A/CONF.211/PC.2/2)
A/CONF.211/PC.3/10	Note verbale dated 13 September 2008 from the Permanent Mission of Pakistan to the United Nations Office at Geneva addressed to the Office of the High Commissioner for Human Rights transmitting the written contribution submitted by the Organization of the Islamic Conference
A/CONF.211/PC.3/CRP.1	Contribution by the Expert Mechanism on the Rights of Indigenous Peoples

7. Further contributions received recently from the Council of Europe and from the United Nations Educational, Scientific and Cultural Organization are reproduced in documents A/CONF.211/PC.4/6 and A/CONF.211/PC.4/7, respectively.

8. A summary of all additional contributions received from States and other stakeholders not included in earlier documents will be issued in document A/CONF.211/PC.4/8.

9. The Preparatory Committee will also have before it a document containing draft decisions proposed by the Bureau of the Preparatory Committee (A/CONF.211/PC.4/4).

**Item 3. Report of the intersessional open-ended intergovernmental working group mandated to continue and finalize the process of negotiations on and drafting of the outcome document**

10. In its decision PC.3/9, on continuation of the preparatory process for the Durban Review Conference, the Preparatory Committee decided to establish an intersessional open-ended intergovernmental working group with a mandate to continue and finalize the process of negotiations on and drafting of the outcome document of the Durban Review Conference on the basis of the compilation of proposals resulting from the work of the second substantive session of the Preparatory Committee (see also paras. 16 and 17 below) and any further contributions, and to report thereon to the Preparatory Committee at its third substantive session.

11. The working group was requested by the Preparatory Committee to hold a meeting on 27 November 2008 and two sessions. The first session was convened from 19 to 23 January 2009; the second session is scheduled to be held from 6 to 9 April 2009.

12. At the session, the Preparatory Committee will have before it the report of the intersessional open-ended intergovernmental working group (A/CONF.211/PC.4/2).

#### **Item 4. Draft outcome document of the Durban Review Conference**

13. The General Assembly, in its resolution 61/149, decided to convene in 2009 a review conference on the implementation of the Durban Declaration and Programme of Action. The Human Rights Council, in its resolution 3/2, reaffirmed that the Durban Review Conference would be undertaken on the basis of and with full respect for the Durban Declaration and Programme of Action and that there would be no renegotiation of the existing agreements contained therein. The Council also decided that it would concentrate on the implementation of the Durban Declaration and Programme of Action, including further actions, initiatives and practical solutions for combating all the contemporary scourges of racism.

14. The Preparatory Committee, in its decision PC.1/13, decided that, on the basis of the Durban Declaration and Programme of Action, General Assembly resolution 61/149 and Human Rights Council resolution 3/2, the objectives of the Durban Review Conference would read as follows:

1. To review progress and assess implementation of the Durban Declaration and Programme of Action by all stakeholders at the national, regional and international levels, including assessing contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance, 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 intolerance in order to foster the implementation of the Durban Declaration and Programme of Action;
2. To assess the effectiveness of the existing Durban follow-up mechanisms and other relevant United Nations mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance in order to enhance them;
3. To 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;
4. To identify and share good practices achieved in the fight against racism, racial discrimination, xenophobia and related intolerance.

15. In its decision PC.2/8, on the structure of the draft outcome document of the Durban Review Conference, the Preparatory Committee decided that the outcome, consisting of a declaratory part and an action-oriented part containing further actions and initiatives, would be based on contributions submitted in conformity with its decision PC.1/10 and the outcomes of the preparatory meetings and activities at the international, regional and national levels, and would be drawn up in accordance with the following structure:

(a) Review of progress and assessment of implementation of the Durban Declaration and Programme of Action by all stakeholders at the national, regional and international levels, including the assessment of contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance:

- Sources, causes, forms and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance
- Victims of racism, racial discrimination, xenophobia and related intolerance
- Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels
- Provision of effective remedies, recourse, redress, and compensatory and other measures at all levels
- Strategies to achieve full and effective equality, including international cooperation and enhancement of the United Nations and other international mechanisms in combating racism, racial discrimination, xenophobia and related intolerance

(b) Assessment of the effectiveness of the existing Durban follow-up mechanisms and other United Nations mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance in order to enhance them;

(c) Promotion of 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;

(d) Identification and sharing of best practices achieved at the national, regional and international levels in the fight against racism, racial discrimination, xenophobia and related intolerance;

(e) Identification of further concrete measures and initiatives at all levels for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance, in order to foster the implementation of the Durban Declaration and Programme of Action and to address challenges and impediments thereto, including in the light of developments since its adoption in 2001.

16. In its resolution PC.3/1, the Preparatory Committee decided to commence immediately the process of negotiations on and drafting of the outcome document of the Durban Review Conference. It also decided that the working document entitled "Certain indicative elements in relation to the outcome document" (see A/CONF.211/PC.3/2, annex IV) would constitute a basis for discussion and negotiations at that session of the Preparatory Committee, without prejudice to the possibility for other stakeholders to make further proposals. It was further decided by the Preparatory Committee that the drafting of the declaratory part of the outcome document would be undertaken after the first reading of the five sections of the action-oriented part of the draft outcome document by the Preparatory Committee were completed.

17. During the course of its second substantive session, the Preparatory Committee, with the coordination of five facilitators, concluded the first reading and began the second reading of the compilation of proposals submitted by delegations under each of the five sections of the draft outcome document of the Review Conference corresponding to its structure, in accordance with decision PC.2/8 of the Preparatory Committee. The compilation of proposals reflecting the state of negotiations on the draft outcome document as at 16 October 2008 (A/CONF.211/PC/WG.2/CRP.1) was then brought to the attention of the intersessional open-ended intergovernmental working group.

#### **Item 5. Organization of the work of the Durban Review Conference and other matters**

18. In its decision PC.2/13 on the venue, timing and duration of the Durban Review Conference, the Preparatory Committee decided that the Durban Review Conference, which will include a high-level segment, will be convened in Geneva from 20 to 24 April 2009.

19. In its decision PC.1/4 on the level of participation, the Preparatory Committee decided that participation in the Review Conference should be at the highest possible level.

20. Pursuant to Preparatory Committee decision PC.1/5, the Secretary-General designated, on 7 January 2008, the United Nations High Commissioner for Human Rights as the Secretary-General of the Durban Review Conference.

21. By its decision PC.2/11, the Preparatory Committee adopted the provisional agenda of the Durban Review Conference, as follows:

1. Opening of the Conference;
2. Election of the President;
3. High-level segment;
4. Adoption of the rules of procedure;
5. Election of other officers of the Conference;
6. Credentials of representatives to the Conference;
7. Adoption of the agenda;
8. Organization of work;
9. Issues arising from the objectives of the Conference:
  - (a) To review progress and assess implementation of the Durban Declaration and Programme of Action by all stakeholders at the national, regional and international levels, including assessing contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance, 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 intolerance in order to foster the implementation of the Durban Declaration and Programme of Action;

- (b) To assess the effectiveness of the existing Durban follow-up mechanisms and other relevant United Nations mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance in order to enhance them;
- (c) To 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;
- (d) To identify and share good practices achieved in the fight against racism, racial discrimination, xenophobia and related intolerance;

10. Adoption of the final document and the report of the Durban Review Conference.

22. In its decision PC.1/9, the Preparatory Committee recommended that the provisional rules of procedure contained in the appendix to that decision (see A/62/375, annexes) be used for the Durban Review Conference.

23. In its decision PC.2/14, the Preparatory Committee decided that the slogan of the Durban Review Conference would be “United against racism: dignity and justice for all”.

24. In its decision PC.2/15, the Preparatory Committee decided that the logo for the Durban Review Conference would be the same as that of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban in 2001. The Preparatory Committee also decided that the logo would include the additional elements “Durban Review Conference” and “2001-2009”, and delegated to the Bureau to agree on the technicalities of the logo in consultation with the Secretariat.

25. In its decision PC.2/9, the Preparatory Committee requested the High Commissioner, in her capacity as Secretary-General of the Durban Review Conference, to prepare and carry out, in close cooperation with the Department of Public Information, a worldwide information campaign with a view to mobilizing support for the objectives of the Durban Review Conference by all sectors of political, economic, social and cultural life, as well as other interested sectors.

26. In its decision PC.2/12, the Preparatory Committee, recalling its decision PC.1/2 on the participation of, and consultation with, observers at the sessions of the Preparatory Committee, decided that the same criteria, practices and arrangements should also apply to the participation of all observers in the Durban Review Conference.

27. In its decision PC.3/109, the Preparatory Committee decided to request the General Assembly to allocate adequate resources from the regular budget of the United Nations to facilitate the participation in the Review Conference of the relevant human rights treaty bodies and thematic special procedures and mechanisms of the Human Rights Council.



28. In its decision PC.3/103, the Preparatory Committee decided to invite the High Commissioner to make a contribution to the Durban Review Conference through a report on the implementation of the Durban Declaration and Programme of Action and proposals to enhance its implementation and on the implementation of relevant decisions and resolutions of the General Assembly and the Human Rights Council. At its current session, the Preparatory Committee will have before it the report of the High Commissioner (A/CONF.211/PC.4/5).

29. Draft decisions that may be proposed by the Bureau of the Preparatory Committee will be issued in document A/CONF.211/PC.4/4.

**Item 6. Adoption of the report of the Preparatory Committee**

30. At the conclusion of its session, the Preparatory Committee will consider and adopt its report for submission to the Durban Review Conference.

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