



## General Assembly

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### DURBAN REVIEW CONFERENCE

Preparatory Committee

Intersessional open-ended intergovernmental working group  
to continue and finalize the process of negotiations on and  
drafting of the outcome document

First meeting

Geneva, 27 November 2008

### PROVISIONAL AGENDA AND ANNOTATIONS THERETO \*

Prepared by the Secretary-General

1. Opening of the session.
2. Election of Chairperson-Rapporteur.
3. Adoption of the agenda.
4. Organization of work.
5. Implementation of the mandate of the working group as contained in Preparatory Committee decision PC.3/9 of 17 October 2008 entitled "Continuation of the preparatory process for the Durban Review Conference".
6. Report of the working group to the Preparatory Committee for the Durban Review Conference.

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\* Late submission.

## **Annotations to the agenda**

### **Item 1. Opening of the session**

1. By its decision PC.3/9 of 17 October 2008 entitled “Continuation of the preparatory process for the Durban Review Conference”, the Preparatory Committee established this intersessional open-ended intergovernmental working group and decided that it shall meet for a total of up to 10 working days in advance of the third substantive session of the Preparatory Committee, including a meeting on 27 November 2008, the first session to be held from 19 to 23 January 2009, and the second session on 6 to 9 April 2009 or at any other date agreed by the working group.

### **Item 2. Election of Chairperson-Rapporteur**

2. In accordance with applicable rules of procedure and established practices, at the beginning of its work the working group shall elect, from among the representatives of Member States, its Chairperson-Rapporteur.

### **Item 3. Adoption of the agenda**

3. In accordance with established practices, the working group will have before it the present document containing the provisional agenda prepared by the Secretary-General as well as the annotations relating to the items included in the provisional agenda.

### **Item 4. Organization of work**

4. In its decision PC.1/1 of 27 August 2007, the Preparatory Committee decided to use as its rules of procedure the rules of procedure of the General Assembly, section XIII, insofar as applicable. In accordance with established practices, the rule of procedure of the committee shall apply to the proceedings of its subsidiary organs.

5. 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 that met in May and September 2008:

A/CONF.211/PC.2/8

Contribution of the Special Rapporteur on the right to education

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

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| 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 | Note 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   |
| A/CONF.211/PC.3/3 and Add.1        | Report of the Regional Conference for Latin America and the Caribbean (Brasilia, 17-19 June 2008)   |
| A/CONF.211/PC.3/4                  | Report of the Regional Preparatory Meeting for Africa (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

6. Additional contributions received by the Secretariat after the circulation of the above documents have been posted on OHCHR website: <http://www2.ohchr.org/english/issues/racism/DurbanReview/session1-repliesfromMemberStates.htm>

7. The working group may wish to recall that the following reports, issued as documents of the Human Rights Council, were also circulated during the first substantive session of the Preparatory Committee:

A/HRC/2/3

Report of the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on incitement to racial and religious hatred and the promotion of tolerance

A/HRC/6/5

Report of the Special Rapporteur on freedom of religion or belief

A/HRC/7/19

Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

A/HRC/7/36

Report of the Working Group of Experts on People of African Descent on its seventh session

**Item 5. Implementation of the mandate of the working group as contained in Preparatory Committee decision PC.3/9 of 17 October 2008 entitled “Continuation of the preparatory process for the Durban Review Conference”.**

8. The working group may recall that the Preparatory Committee, in its decision PC.1/13 of 31 August 2007 entitled “Objectives of the Durban Review Conference”, 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 will 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.

9. The working group may also recall that, in its decision PC.2/8 of 30 April 2008 entitled “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, will 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 shall 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 (ICERD) 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.

10. In its decision PC.2/4 of 22 April 2008, the Preparatory Committee decided to establish an intersessional open-ended intergovernmental working group with the mandate to follow up the work of the Preparatory Committee, including through reviewing contributions and commencing negotiations on the draft outcome document, and to report thereon to the Preparatory Committee. At its second substantive session, the Preparatory Committee had before it the report of the intersessional open-ended intergovernmental working group (A/CONF.211/PC.3/2).

11. In its decision PC.3/1 of 7 October 2008, adopted at its second substantive session held from 6 to 17 October 2008, the Preparatory Committee decided to commence immediately the process of negotiations on and drafting of the outcome document of the Durban Review Conference. The Preparatory Committee also decided that working document entitled "Certain indicative elements in relation to the outcome document" (see A/CONF.211/PC.3/2, annex IV) shall constitute a basis for discussion and negotiations at the present 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 shall be undertaken after the first reading of the five sections of the action-oriented part of the draft outcome document by the Preparatory Committee is completed.

12. In its decision PC.3/9 of 17 October 2008 entitled “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 and any further contributions, and to report thereon to the third substantive session of the Preparatory Committee. In the same decision, the Preparatory Committee decided to convene its third substantive session in Geneva for up to 3 working days, on 15 to 17 April 2009.

13. In the course of its second substantive session, the Preparatory Committee, under 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 as contained in decision PC.2/8 of the Preparatory Committee. As it stands now, this compilation reflects the state of negotiations on the draft outcome document as at 16 October 2008. The working group will have this compilation before it in document A/CONF.211/PC/WG.2/CRP.1.

#### **Item 6. Report of the working group to the Preparatory Committee**

14. At the conclusion of its work, the working group will consider and adopt its report to the Preparatory Committee for the Durban Review Conference, which will hold its third substantive session from 15 to 17 April 2009 at Geneva.

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