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**UNITED NATIONS HUMAN RIGHTS COUNCIL
THIRD SESSION
(Geneva, 29 November - 8 December 2006)
8 December 2006**

Draft Resolution L3 on Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive follow-up

to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action

Draft EU Explanation of vote

Mr. President,

I have the honour to speak on behalf of the European Union Member States that are members of the Council and acceding country Romania.

As this draft comes to action, the European Union would like to reiterate its strong commitment to combat all forms of racism, racial discrimination, xenophobia and related intolerance. To highlight this commitment, the EU has designated 2007 as "European Year for Equal Opportunities for All", as part of a framework strategy designed to ensure that discrimination is effectively tackled, diversity is celebrated and equal opportunities for all are promoted.

In this spirit, the EU has repeatedly stressed that the international follow-up to the Durban Declaration and Plan of Action should be agreed upon by consensus. We appreciate the open ended consultations which were organised by the African group as well as the efforts which have been undertaken on this draft by you Mr President as well as by Ambassador Martabit, Permanent Representative of Chile, who plays an important role as chairman of the Intergovernmental Working Group on the Effective Declaration and Program of Action. The EU actively engaged in negotiations with the African group and regrets that insufficient common ground has been found.

Mr. President,

The EU has continuously underlined that the follow-up to the Durban DPA is already assured by a number of mechanisms, which have been carrying out important work. The Intergovernmental Working Group on the Effective Declaration and Program of Action under the able guidance of Ambassador Martabit has been able to improve our common understanding of the

opportunities and challenges implied in our commitment in the DPA to elaborate complementary standards.

The Inter-Governmental Working Group made significant progress during its last session and was able to present consensual conclusions and recommendations that were also consensually endorsed by the HRC at its first session. It decided the nomination of five highly qualified experts to study the content and scope of the substantive gaps in the existing international instruments to combat racism, racial discrimination, xenophobia and related intolerance, including but being not limited to the areas identified in the conclusions of the Chair of the high-level seminar that took place during the fourth session of the Intergovernmental Working Group. The report of these five experts will clearly show the way forward on the issue of exemplary standards, particularly in helping us to identify the gaps on which we can focus our future work.

Mr. President,

The EU regrets that it cannot vote in favour of this resolution for the following reasons:

- the creation of an ad hoc committee on elaboration of complementary standards before there is a well understood basis for a decision on the substance to be covered by these standards is not proper way to go forward on such an important matter;
- this decision would come at a particularly inappropriate moment, when the five aforementioned highly qualified experts have been nominated and are about start their work – the result of which will be available in a few months;
- finally the explicit mentioning of the issue of incitement to racial and religious hatred seems to prejudge the identification of gaps which would lead to the drafting of an international instrument.

The EU therefore regrettably must call for a vote on this resolution and will vote no.

This explanation of vote has been agreed by all European Union Member States, and the acceding country Bulgaria.

Thank you President.