

Mr. Chairperson,  
Excellencies,  
Ladies and Gentlemen,

**Check against delivery**



I come before you today as the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. I was appointed to this important mandate on 1 August 2003. I am deeply honoured to have been appointed to this important mandate. I will spare no effort to fulfil my mandate as Special Rapporteur, giving voice and visibility to the victims of racism, racial discrimination, xenophobia and related intolerance around the world.

The report I introduce today, on "Combating racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of the follow-up to the Durban Declaration and Programme of Action" was submitted only a few weeks after my appointment as Special Rapporteur. In this regard, it presents a general overview of my objectives and vision for the mandate.

### **Statement by Githu Muigai**

## **Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance**

My key message is that the Durban Review Process is a process that will be completed in April 2009.

In my first public statement at the 63rd session of the General Assembly, Third Committee, Item 62(a), on 3 November 2008, New York.

I also attended the opening of the Second Substantive Session of the Durban Review Conference, where I reiterated my strong support to the process and recognition for the breadth and ambition of the DDPA.

I welcome the important progress made in inter-State negotiations during the second substantive session, particularly the establishment of clear texts that will be the basis for future negotiations. It is my sincere hope that the Review Process will continue in a spirit of cooperation among all parties through the negotiation stages until the Review Conference. In particular, I strongly support the work that has been taken so far for all decades of the PrepCom. Consensus over the final outcome will be of fundamental importance. These are challenging issues that require dialogue, joint commitments, not broken promises. I hope all parties will rise to the occasion and produce a sound, consensual document that will be of concrete utility for those engaged in the fight against racism, racial discrimination, xenophobia and related intolerance.



Mr. Chairperson,  
Excellencies,  
Ladies and Gentlemen,

I come before you today for the first time as Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, a position which I assumed on 1 August 2008. I am deeply honoured and proud to have been appointed to this important mandate. I will spare no efforts in fulfilling my obligations as Special Rapporteur, giving voice and visibility to the victims of racism racial discrimination, xenophobia and related intolerance around the world.

The report I introduce today, on "Combating racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of the follow-up to the Durban Declaration and Programme of Action" was submitted only a few weeks after my appointment as Special Rapporteur. In this regard, it presents a general overview of my objectives and vision for the future of the mandate, which I will further elaborate today.

Mr. Chairperson

My key priority since the beginning of my mandate has been to follow and contribute to the preparatory process for the Durban Review Conference. I will remain actively engaged in the process until the Review Conference itself next April.

In my first public meeting as Special Rapporteur, I had the honour of attending the Abuja Regional Meeting in preparation for the Durban Review Conference. In my statement at the meeting, I underscored the importance of the Durban Declaration and Programme of Action to the international normative framework to combat racism, racial discrimination, xenophobia and related intolerance. I also noted that many provisions of the DDPA have yet to be implemented. Since racism is a global problem, I recommended that each and every Member State should engage in a process of profound reflection and self-assessment that would underline the good practices as well as the shortcomings in the implementation of the DDPA.

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I welcome the important progresses made in inter-State negotiations during the second substantive session, particular the establishment of clear texts that will be the basis for future negotiations. It is my sincere hope that the Review Process will continue in a spirit of cooperation among all parties throughout the negotiation stages until the Review Conference. In particular, I strongly support the consensual approach taken so far for all decisions of the PrepCom. Consensus over the final outcome will also be of fundamental importance. These are challenging times that require unity, not fracture; joint commitments, not broken promises. I hope all parties will rise to the occasion and produce a sound, consensual document that will be of concrete utility for those engaged in the fight against racism, racial discrimination, xenophobia and related intolerance.

Excellencies,

In the 9<sup>th</sup> session of the Human Rights Council, I presented my predecessor's report on "Combating Defamation of Religions". The report highlights key issue, including reflecting the state of some forms of religious discrimination, including Islamophobia, Anti-Semitism and Christianophobia. The report also makes a central recommendation to Member States, particularly in the context of the Durban Review Process: to move from the concept of "defamation of religions" to the notion of "incitement to racial and religious hatred". In this regard, I was glad to be informed that there seems to be an emerging trend among most Member States in agreeing to this idea, which would help ground the debate on concrete human rights principles and norms.

Mr. Chairperson,

I would like to take this opportunity to share with the Assembly some of the key issues that I intend to address in depth during the coming years. I also look forward to engaging in a constructive discussion with Member States regarding how to implement these ideas.

### **1. Migrants, Refugees, Asylum-Seekers and Internally Displaced Persons**

In our more than ever globalised world, migration has become an inevitable phenomenon in every country and region. Societies have as a result become more diverse and more multi-ethnic. A growing number of States are confronted with the challenge of accommodating peoples of various backgrounds and their duty is to find appropriate means to ensure social harmony and mutual respect within their societies.

While the positive economic, social and cultural contributions made by migrants are usually acknowledged, we also see how the issue of migration is manipulated and instrumentalized in times of economic slowdown and mounting unemployment. Migrants are then depicted as competitors for scarce resource and as threats to livelihood. This is particularly relevant at present, as we face simultaneous crisis in world finance, food and environment. The strong racist and xenophobic sentiments which then emerge require strong political will, long-term commitments and effective strategies to counter them.

Migrants have in the last decades become one of the most vulnerable groups to racist and xenophobic attitudes and attacks. This has been recognized in the DDPA, which has actually devoted a prominent part to the issue of racism, racial discrimination and xenophobia against migrants. The DDPA recommends steps to be taken to combat this phenomenon and I intend to further develop them in the future. In doing so, I hope to engage in a fruitful cooperation with all stakeholders, including States, the relevant UN human rights mechanisms, such as the Special Rapporteur on the human rights of migrants and the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, the UNHCR, the IOM and the civil society.

### **2. Conflict**

Ethnic conflict continues to claim the lives of thousands of people around the world. No later than last week, violent clashes in North Kivu in the Democratic Republic of Congo reminded

us of the destruction inflicted during the deadliest conflict the world has seen since the creation of the United Nations.

Many of the conflicts that have broken out in all regions of the world, particularly after the end of the Cold War, came to be defined in terms of ethnic cleavages. I do not subscribe to the notion that ethnic hatred lies at the root causes of such conflicts. Rather, I believe that in most of the contemporary and recent conflicts, racial and ethnic differences came to be manipulated and instrumentalized for political ends. Racially- or ethnically-defined nationalisms have unfortunately been sources of popular mobilization around the globe, ultimately unleashing entrenched disputes.

While these racial and ethnic cleavages are not the root causes of conflict, once divisions along racial or ethnic lines come to the fore, conflict becomes more intractable and harder to solve. We have seen this in the Balkans, in the Caucasus, in the Great Lakes region of Africa and elsewhere in the world. The legacy of ethnic and racial divisions lasts much longer than conflict itself, in the form of political parties organized along ethnic lines or peace settlements that legitimize racial or ethnic divisions.

Political solutions to such conflicts is of course essential. However, the centrality of a human rights approach, in particular an anti-racism approach, cannot be denied. First and foremost, human rights play a key role in **prevention**. Tracing human rights violations, particularly in the form of racism, allows us to identify worrying trends before they become irreversible. Human rights are also central to post-conflict settings. The racial and ethnic dichotomies that developed during conflict will take generations to heal. And helping with the healing of those differences is, in my view, at the core of my mandate. In this regard, I would like to express to the Assembly my strong commitment to assist the relevant bodies at the United Nations these issues from a human rights and anti-racism perspective. In particular, I intend to engage in a close cooperation with the Special Adviser on the Prevention of Genocide and the Department of Political Affairs, discussing ways to address prevention of conflict from an anti-racism perspective.

### **3. Racism and Poverty**

I am convinced that the issue of the relationship between racism and poverty lies at the center of this mandate. The DDPA put this issue clearly when it affirmed that “poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance, and contribute to the persistence of racist attitudes and practices which in turn generate more poverty”. Victims of racism, in particular minorities, tend to form the most economically marginalized groups in any society, both in developed and developing countries. No efforts to fight racism, racial discrimination, xenophobia and related intolerance will be successful while race or ethnicity and poverty continue to overlap.

The relationship between poverty and racism is complex in many ways. Simple arguments about causal primacy fail to address the most important issue: poverty and racism are mutually reinforcing factors. Breaking with this double trap is therefore an essential means to promoting human and social development.

I am truly committed to addressing this issue in great depth in a future thematic report. In particular, it is essential that we identify the appropriate legal tools and policy mechanisms to put forward concrete recommendations that can be implemented by Member States at the national, regional and international level. To achieve this objective, I intend to cooperate closely with relevant mechanisms, including the Independent Expert on Minority Issues and the Special Rapporteur on the question of human rights and extreme poverty.

Mr. Chairperson,

These are the preliminary ideas that I would like to share with the Assembly. I look forward to engaging in a very constructive and interactive dialogue with Member States, not only to carefully listen to their views regarding these issues, but also to identify new issues and forms of engagement that we can develop in the future.

Thank you very much.

Statement by Githu Muigai

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

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