

**2nd substantive session of the PrepCom of the Durban Review Conference  
6-17 October 2008**

**General debate under agenda item 2: Organisation of work**

**Accreditation of NGOs**

**6 October 2008 (11-12:15 am)**

Accreditation of NGOs

- Refers to documents distributed containing draft decisions of the Bureau for consideration and action by the Bureau concerning the accreditation of NGOs and more particularly the extension of a deadline for the submission of requests by a group of member states
- Explanation:
  - o Draw the attention to the two documents which are notes by the Secretariat on the accreditation of NGOs
  - o These documents provides the information on what has transpired on the accreditation of NGOs since the first PrepCom
  - o This document also contains recommendations made by the Secretariat required by the procedures established by the PrepCom
  - o Draft decision submitted by the Bureau (on behalf of the OIC) which it is going to extend the deadline for the acceptance of comments concerning 6 ECOSOC status NGOs (para 3)
- Pakistan:
  - o These NGOs are non-ECOSOC status NGOs
- Algeria:
  - o Two categories of NGOs: some which have participated in the Durban and some which have not
  - o For those that did not participate there would be a substantial discussion
  - o While it is true that no requests for information was received by the group of NGOs did not receive extra replies, why would the Secretariat recommend them for accreditation? I challenge the influence by the Secretariat that the absence of requests would merit accreditation of the NGOs
- Secretariat (Mr. Dougan):
  - o The Secretariat does not intend to make a link between the absence of information from member states and our conclusions
  - o ECOSOC resolution set down the criteria
  - o Governments have been given the opportunity to object to these accreditations
  - o We have not received such requests
  - o We have concluded that the NGOs live up to the criteria, so therefore we have recommended it
- Algeria:
  - o I appreciate the explanation but I would like to get guidance on which criteria the Secretariat made this decision
- Chairperson:
  - o We take due note of your statement
  - o We open the floor to comments on the extension of the time period to receive any comments from member states on these six NGOs out of eight as listed in para. 3. In this decision the time period is extended for 48 hours. Adopted without a vote.
- Decision concerning the two remaining NGOs:
  - o Accreditation was given

Addendum 1:

NCHDR and Swadikar

- A note has been distributed by the Secretariat that several governments have not received the relevant communications from the Secretariat

- The 14 days begin from this. However, in the addendum the three governments (India, Indonesia and Iran) argue that they should be given additional time for the review
- As stated in para. 3 the governments may make comments on the information received from the NCDHR, Swadikar, until 9<sup>th</sup> October
- I suggest that we postpone taking action on the recommendations in the note by the Secretariat (para. 13-15) until Friday 10<sup>th</sup> October

Recommendation in para. 18 and the note by the Secretariat: IDSN

- Chairperson:
  - o You will recall that at the first session of the PrepCom a decision on the accreditation of this NGO was postponed to allow member states to review the application of this organisation and make comments.
  - o Your attention is now drawn to the additional information contained in para. 3 of the addendum, which reflects the view of the government of India according to which this NGOs does not meet the criteria established in res. 1996/31 of ECOSOC. A copy of this non-paper dated on 27 September 2008 has been circulated to all delegations for information
- India:
  - o The Gol has engaged extensively with member of civil society at home. It is natural that we favour this at international level as well. This would mean that they should follow the ECOSOC criteria.
  - o Pursuant to the HRC decision, the DRC will be conducted with full respect of the DDPA. The PrepCom adopted a decision that the application of new NGOs should be established within the criteria of ECOSOC.
  - o The information provided by the NGOs established in 2003 has provided information which states that according to the Statutes, para 1(3), IDSN works for the elimination of caste-based discrimination. CBD falls outside the DDPA; there is no reference to CBD.
  - o Hence, the criteria by IDSN do not meet the criteria in the 1996/31 decision on ECOSOC criteria, in particular part 7. Para. 44-45 of this part 7 provides that the programmes should be relevant to the Durban process and that the NGO should be involved in this work
  - o The Gol is of the view that IDSN should not be granted accreditation. I trust that members of the PrepCom support this.
- Chairperson:
  - o As the final decision should be taken by the PrepCom, I would like to ask if you agree that IDSN should not be granted accreditation to the DRC
- France:
  - o IDSN meets the criteria of ECOSOC resolution, in particular the statutes of IDSN which states that the purposes of IDSN is to *“work for the global recognition of Dalit human rights and contribute to the fight against caste discrimination, and other forms of discrimination based on work and descent around the world, by raising awareness and building solidarity.”* (para 3.1.1). Hence, the statutes of IDSN are much broader.
  - o The DDPA refers to CERD, which in article 1 mentions “descent”. The CERD has stated on a number of occasions that this also refers to the situation of the Scheduled Castes and Tribes, which are fully covered by this Convention, particularly CERD GR 29 (read out loud).
  - o The SR on Racism stated at 8<sup>th</sup> HRC session that this form of discrimination falls under the scope of the ICERD, which I recall is a key reference of the DRC. Furthermore the SR speaks of this at length under the Durban Review process (contribution to PrepCom).
  - o The DDPA makes many references to discrimination against vulnerable groups and multiple forms of discrimination.
  - o Finally, discrimination based on work does not only affects one country but many other countries around the world.
  - o Therefore the EU considers that it is appropriate for IDSN to get accreditation as they meet the ECOSOC criteria.
- Pakistan:
  - o We have heard the explanation of India on this subject. As France has clearly pointed out, the SR on Racism mentions that this form of discrimination affects 250 million people around the world.

- CERD at its 49<sup>th</sup> session concluded that the situation of descent-based discrimination falls under its Convention (CERD review of India in 1996). CERD clarified this position by reaffirming that discrimination based on descent falls under the ICERD (GR 29)
- We concur with the views of CERD that discrimination based on descent includes caste and thus is included in the ambit of the DDPA
- Pakistan does not accept any form of discrimination
- We should not cover behind linguistics
- We would vote in favour of this organisation
- Algeria:
  - We would like to postpone the decision of this question until we have time – there is no urgency in taking a decision on the first day of the PrepCom and then hopefully make this first decision
- India:
  - The delegations of France and Pakistan have referred to CERD GR 29. This is apparently the key reason why they state that caste falls under the ICERD. This was adopted in 2002 a year after the DDPA.
  - Article 9 of the ICERD provides that the Committee can make GR. However, such GR shall be reported to the GA with comments from the States parties. It is clear that the GA is the final body to make the decision. Such GR by a treaty body does not automatically amend the binding obligations of a convention. Therefore GR 29 remains one which has been clearly rejected by my Government.
  - Why India rejects this:
    - While it is true that article 1 refers to discrimination based on descent, the sequencing is important. The Constitution of India state that race, caste and descent are treated as distinct and separate issues.
    - The preparatory work of the ICERD establishes that it was the proposal of India that descent was included in article 1. However, at the time there was no reference to the caste issue in the discussion of racial discrimination, which is largely specific to India.
    - The examination of the preparatory work from 1969 does not indicate any intention of the special meaning of the word descent to include caste
    - It is significant that until 1969, that is nearly 30 years after the adoption of the Convention, it did not refer to the issue of caste. GR 29 was adopted 33 years after the Convention came into force.
    - The 2001 DDPA does not refer to CBD, but only to people of African and Asian descent as victims of racism. This puts beyond doubt the meaning of descent as CBD.
    - The implications of accepting GR 29 are enormous for the ICERD, because it would change the Convention from dealing with racism to one dealing with discrimination between the members of the same race. This would remove the focus on the continuing discrimination against peoples of African and Asian descent.
    - India's position is not that there is no CBD in the country. India is fully committed to tackle this at every level.
    - Further, it is important to note that CBD is being discussed under the current multilateral instruments. India has submitted in April this year a report to the CESCR on this issue.
    - Four years after the adoption of the GR29, the HRC stated that there will be no renegotiation of the DDPA. Thus GR 29 cannot be the basis for the accreditation of IDSN.
- Chairperson:
  - There is another request from the floor, but I would like to appeal to you that we have a procedural proposal i.e. that we should not take a decision relating to this NGO and perhaps delay this decision to the end of the week
  - We need to take a decision on that NGO on Friday so that the parties and stakeholders can carry out consultations which will allow us to take a consensus-based decision
- Sweden:
  - One substantive and one procedural point.

- On the substantive point, Sweden fully aligns itself with the comment made by France on behalf of the EU. The IDSN, which we are now debating, works for the global recognition of CBD and other forms of discrimination based on work and descent. The issue of descent is covered both by the ICERD and a number of paragraphs in the DDPA
- To argue that this NGO should be excluded on the basis that it works with an issue that India does not feel is part of the DRC is to my delegation seems unreasonable, since this NGO works for other issues which are already covered. To exclude all NGOs that delegations do not feel are part of the DDPA would mean that many NGOs could not be accredited, which is not fair. Such a decision would be discriminatory and against the spirit of the DRC
- My delegation proposes that we take a decision in line with the Secretariat's recommendation, and we see no reason why we should defer taking such a decision.
- Pakistan (point of order)
  - Clarification: I feel that there is some kind of explanations and counter arguments – I don't understand, because you want to take a decision. Then there was another counter argument, so I don't know if we are in a decision-making move. Could you Madam Chairperson clarify which stage of process we are in?
- Chairperson:
  - You are right to make such point. I was about to ask the PrepCom to take a decision in this regard, namely on the Algerian proposal. It may be that India has a proposal relating to Algeria's proposal.
- India:
  - We have heard with interest the proposal of Algeria and we are open to that. We have certain other responses, but we would await how to proceed.
- Chairperson:
  - I thought you would have made a comment on the proposal. In the past the practice has been, and as we saw in our first session of the PrepCom, that we all show a spirit of consensus. Today we have taken all decisions based on consensus; therefore I would propose that we continue that way.
- France:
  - I think a deferral would not help our common aim, which is the full participation of NGOs when they comply with the criteria. The Secretariat has also recommended accreditation in light of these measures.
  - I don't think it would be good to postpone a decision for several days. This might lead to IDSN not having their accreditation. Will we have a different decision on Friday? We won't have successful negotiations. We urge a decision as soon as possible.
- Algeria:
  - It is not a question of substance. The concern that we had is precisely to preserve this spirit of consensus. This is not going to prejudge the outcome of the decision at all. We think it would be useful to have consultations ourselves. France and Sweden have always shown a spirit of cooperation. If you think that Friday is too far away, we could have it on Thursday. We need to meet the polarization that is emerging.
- Chairperson: Russia, Morocco, Germany, South Africa, Cuba and Nigeria want to speak. I do not wish to spin out discussions on this (2 min each)
- Russia:
  - Without getting into the issues of substance, our view is that one of the purposes of the preparatory process is the broad participation of NGOs, but right now we are talking about something else. We have received this information only 3 days ago.
  - All states want to have clearance from the capital on sensitive matters than this. We fully support the proposal not to be hasty on this technical question.
- Morocco:
  - A decision now would be confrontational. The common sense we recommend is that we exhaust all means to prevent voting. If we enter into consultations, it doesn't mean we have to delay it until Friday. We might do it already tomorrow.
- Germany:
  - When it comes to the procedural question on whether to defer the accreditation, I would like to recognize Algeria's proposal. However, I would also like to make a distinction between compromise and responsibility. There is nothing to negotiate and no room for consultations. I

value the argument that maybe a decision could be reached soon, with a max time of 24 hours. We should not defer this, which would mean that this NGO would be excluded from participating for one week.

- South Africa:
  - o With regard to the proposal made by Algeria, we believe that we need time to consult with capitals. In fact this documentation reached us only days ago. We want to have time until Friday.
- Cuba:
  - o On the one hand, I think we have a very sensible proposal from Algeria which allows us to sound out our feelings. The other proposal from Sweden is not very sensible. If we were to vote, we would vote against the Swedish proposal. The room is nearly half empty. I need to be better informed about this NGO which has its headquarters in Copenhagen. It would be sensible to postpone the decision.
- Nigeria:
  - o Right now if we start this process in peace and seek to resolve decisions in consensus, I don't think there is any diplomatic initiative that will result to peace. Algeria's proposal is sound. If we are going to start voting now, I don't know what happens with other items. Technically, if we have just received these documents we cannot base our decision on knowledge. We have to seek the way to consensus. It does not matter what the end result is. We should have room to manoeuvre.
- Denmark:
  - o My delegation aligns itself with the position of France and I would like to support the comments made by Germany. It is not a technical issue, because every day we postpone it, it would be one day less with the NGOs participation.
  - o It should be very clear to all of us that descent is covered by what we are talking about.
  - o We would be flexible on time, but do believe that the time frame suggested by Germany would be good. Postponing it to the end of the week would be an exaggeration.
- Zimbabwe:
  - o There are a number of references made by delegates on both sides. My delegation would require time to reflect on this. My delegation approves the proposal by Algeria. Let Friday be the day.
- Chairperson:
  - o On my list of speakers I have Sweden, France and Bangladesh. They will be the last to take the floor.
- Sweden:
  - o The arguments made by a number of delegations on how to reach consensus is something we share. There have been calls for colleagues to move the decision for 24 hours. As to finding a compromise, we would fully support that a decision is taken tomorrow.
- France:
  - o We can understand the argument from everybody and all are concerned about the instructions from capitals. A few hours or days might be enough. The procedure of requiring information from the NGO on the activities is not appropriate, because the NGO was proposed for accreditation in April so it has been several months. The NGO is well-known and its statutes are public, so there is no need for making an investigation. If we make a decision, perhaps not tomorrow but tomorrow afternoon, there will be time to find an agreement to proceed that way.
- Bangladesh:
  - o I would align myself with those who propose a deferral of the decision. We still need to decide about the time frame. Algeria's proposal is a good one. As we are not as efficient as others, 24 hours is not enough to come back with a decision from the capital.
- Chairperson:
  - o The Presidency suggests that we postpone the decision for 48 hours, so that the PrepCom when it once again opens the debate on item 2 on the status of 6 other NGOs could take a decision on this NGO. We are trying to conserve the spirit of compromise, and we do not want to go for a vote.

- Egypt:
  - o You have made an analogy between the six NGOs and ISDN. We do not submit that we have to take a decision on Wednesday with regards to the six NGOs. Here is it a different case.
- Chairperson:
  - o You are right, even if the OIC asks for an extension we are going to re-open item 2 to hear more comments. The OIC cannot ask for the floor, except under item 2. Therefore we need to open item 2 after 48 hours, along with the consideration of the other Indian NGOs that India had opposed to.
  - o The decision was deferred for 48 hours.

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