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**STATEMENT  
BY**

**H.E. AMBASSADOR G. MTSHALI  
OF THE REPUBLIC OF SOUTH AFRICA**

**ON  
“ELIMINATION OF RACISM AND RACIAL  
DISCRIMINATION”**

**THIRD COMMITTEE  
UNITED NATIONS  
NEW YORK  
7 NOVEMBER 2007**

**Check against delivery**

Chairperson,

The South African delegation fully associates itself with the statements presented by Pakistan on behalf of the Group of 77 and China and Zambia on behalf of the Southern African Development Community (SADC).

My delegation welcomes the recent Report of the Special Rapporteur, Mr Doudou Diene, 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. South Africa shares the concerns of the Special Rapporteur on the resurgent incidents of racism some of which have taken violent forms.

We are alarmed at the emergence of racist and xenophobic platforms, and believe that States cannot justify these acts by invoking the right to freedom of opinion and expression. This is clearly in violation of international law. Article 20 of the International Covenant on Civil and Political Rights (ICCPR) clearly instructs that *"Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law"*. Moreover, the International Convention on the Elimination of All Forms of Discrimination (ICERD) declares that States *"Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination"*. South Africa agrees fully with General Comment No. 15 of the Committee on the Elimination of Racial Discrimination (CERD) which stresses that the prohibition of the dissemination of racially inciting material, propaganda or information by States is compatible with freedom of expression and opinion.

South Africa believes that the Durban Declaration and Programme of Action (DDPA) adopted at the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) in 2001, constitutes a concrete basis for countries to develop their own measures to combat all the scourges of racism. Although States have taken steps to implement the commitments undertaken in the DDPA, we believe that much more needs to be accomplished.

The Government of South Africa has within the period of thirteen (13) years into its democracy made some tangible progress in eliminating racism, racial discrimination, xenophobia and related intolerance and reversing all that was repugnant in our society, which was imposed by colonialism and apartheid. The South African Constitution of 1996 entrenches the Bill of Rights which espouses the promotion of human rights and fundamental freedoms, human dignity, equality, non-discrimination and non-sexism.

Chairperson,

To ensure substantive equality based on our constitutional provisions, our Parliament has enacted legislation to elaborate on the practical enjoyment of these rights. These include, among others, the following:

- The Promotion of Equality and Prevention of Unfair Discrimination Act,

- The Public Transformation Act,
- The Employment Equity Act,
- The Promotion of Access to Information Act, and
- The Labour Relations Act.

In our efforts to implement the DDPA, the South African Government is engaged in partnership with other stakeholders. We have also made progress in the development of a National Action Plan to combat all the scourges of racism including their contemporary manifestations. South Africa established a National Forum Against Racism in 2003 as a platform for national dialogue on issues of racism as well as a national register to audit incidents of racism in our country.

Chairperson,

We are pleased to note that the General Assembly has decided to convene a Review Conference of the WCAR in 2009. In this regard, the recent Organisational Session of the Preparatory Committee for the Durban Review Conference adopted a number of important Decisions. We wish to emphasise that the issue of funding non-governmental organisations and ensuring their effective participation in all the processes leading to and including the Review Conference is critical. My government strongly advocates that NGOs, including representatives of victims of racism, be afforded the opportunity to express their views and make their contribution on the goals of the Review Conference during the second Preparatory Committee in April 2008.

We also urge the Secretary-General to secure adequate funding for the Durban Review Conference, the Regional Preparatory Conferences and to support NGOs in their endeavours to contribute to these processes.

As we prepare for the Durban Review Conference, we urge all States to intensify their efforts to implement the commitments made at the World Conference Against Racism. We firmly believe that only enhanced political will and a meaningful international partnership among all stakeholders can achieve the aims of the Conference.

It is imperative that the outcome of the 2009 Durban Review Conference seeks to guarantee maximum protection and remedies to the victims of all scourges of racism, and their contemporary manifestations.

I thank you.