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Battling Global Racism

Racism, racial discrimination and fear of foreigners (xenophobia) are powerful forces that have stimulated migration, conflict and subjugation throughout history. The enormity of the task of battling racial discrimination on the international level falls within the purview of the United Nations. The Governments of the world have embarked voluntarily on a program of racism reduction. The creative negotiating that produced the Universal Declaration of Human Rights in 1948 makes it clear that

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Everyone has the right to life, liberty, and security of person. (Articles 2, 3)

Around the world millions of people find themselves the victims of legal and social systems that crush their hopes, dreams and aspirations, not because they have committed a crime but because they were born into a particular race and or ethnic group. Others are unable to receive quality education, health care, shelter, food or clothing because they are trapped in a maze of unjust practices that denies them access to the most basic human rights. The United Nations is planning a World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance for the summer of 2001 as part of a continuing international effort to combat racism. The Conference will offer an opportunity to network, share "best practices" and model legislation, and plan for the continuing struggle against racism.

History of Work on Racism: The Convention

Throughout its history the United Nations has worked to eliminate racial discrimination. The UN Charter adopted in 1945 proclaimed equality among the Member States. Three years later the Universal Declaration of Human Rights adopted by the General Assembly (GA) raised a new consciousness around the world about the human equality and the rights possessed by individuals. This new consciousness about the protection of human dignity reached full expression in 1963 when the GA adopted the Declaration on the Elimination of All Forms of Racial Discrimination. The follow-up to this important, but not legally binding, Declaration was the adoption of the International Convention on the Elimination of All Forms of Racial Discrimination in 1965. To date, there are 155 States Parties to the Convention. The Convention definition of racial discrimination is:

any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

The Convention established the Committee on the Elimination of Racial Discrimination (CERD) which at the time was considered a "novel feature" as a mechanism for implementing the Convention. This 18-member expert committee, appointed by signatory States, has three primary functions. First, it reviews reports provided by states on measures taken to abide by the Convention; second, it makes proposals and recommendations towards compliance; and third, in some cases it considers the reports of individuals and groups claiming to be victims of racial discrimination by a state (not all signatory States submit to this last aspect of CERD's mandate). CERD will have an

important role to play in the upcoming World Conference, highlighting best practices, providing background information and offering suggestions from its body of jurisprudence to the Member States that participate in the Conference.

Past Conferences:

The GA has proclaimed two Decades of Action to Combat Racism and Racial Discrimination, the first beginning in 1973 and the second in 1983. These decades were intended to act as periods of intensified national, regional and international action to eliminate racism and discrimination in all its forms. Each decade of action included a World Conference to Combat Racism and Racial Discrimination, first in 1978 and again in 1983, both in Geneva, Switzerland. These two World Conferences against Racism faced significant challenges.

The first one focused on a world education campaign, and measures to be implemented to eliminate racial discrimination. Unfortunately the issue of Zionism as racism derailed western enthusiasm and participation and as a result the conference saw limited participation of some important UN Member States. The Declaration produced at the first World Conference strongly condemned the actions of certain Member States resulting in many western Member States withdrawing support for the Declaration.

The second World Conference focused on the central importance of national legislation and judicial and administrative action to combat discrimination. The conference may have suffered from lowered expectations after the difficulties of the first conference. The US, Israel and South Africa chose not to attend, though a program of action and a declaration were produced.

The Third UN Decade to Combat Racism and Racial Discrimination 1993-2003, has initiated a host of innovations including a Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance. The Special Rapporteur was appointed to examine occurrences of racial discrimination and to monitor the efforts of governments to conquer racism. The

contemporary issues the Rapporteur examines include the activities of the extreme right and neo-Nazi movements, discrimination against blacks in South America and elsewhere, discrimination against Arabs, anti-Semitism, the Roma populations of eastern Europe and the Dalit (Untouchables) people of India. A complete list of the activities of the Special Rapporteur can be found in his annual reports and on the web site of UNHCHR ([http://www.unhchr.ch/.](http://www.unhchr.ch/))

Recent Developments :

The General Assembly in resolution A/Res/52/111 of 12 December 1997 called for a conference with the expanded focus of the World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance. In addition, the GA declared 2001 as the International Year of Mobilization Against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The Africa Regional Group in the UN played an important role both in the GA third Committee discussions on racism, where it pushed for a World Conference, and in the Ad Hoc Working Group that met preceding the Commission on Human Rights in March 1999 to discuss the World Conference.

The first Preparatory Committee (prepcom) session for the third World Conference Against Racism has been scheduled for May 1-5, 2000 in Geneva. Typically, the first prepcom will make decisions about participation of non-governmental organizations (NGOs) and delineate an agenda from the suggestions of the Special Rapporteur, CERD, Member States and the Ad Hoc Working Group. A second prepcom is scheduled for May 2001 in Geneva. Both prepcoms will immediately follow the sessions of the Commission on Human Rights. The World Conference is expected to be scheduled for August or September of 2001.

The location of the third Conference is South Africa, provided enough support (financial and otherwise) can be found. This is in contrast to South Africa's marked absence from the Second World Conference Against Racism in 1983. In light of South Africa's history and race situation many are pleased that the conference has found an appropriate "home." A

tremendous amount of attention in the past Conferences was focused on the white minority regime and apartheid in South Africa.

United Nations Bodies

The UN High Commissioner for Human Rights, Mary Robinson, has been appointed by the GA as the Secretary-General of the Conference. A Racism Project Team has been established in the Office of the High Commissioner for Human Rights (OHCHR) as a coordinating point for the activities of the Third Decade. Ms. Robinson sent a questionnaire on the status of racism and discrimination and the obstacles to progress to the Member States, NGOs, specialist agencies and national institutions in an effort to assess progress, promote studies and encourage preparations for the World Conference process. The Commission on Human Rights has been designated as the Preparatory Committee for the third World Conference. The United Nations Educational, Scientific, and Cultural Organization (UNESCO), the United Nations High Commission for Refugees (UNHCR), the International Labor Organization (ILO), and the Economic and Social Council (ECOSOC) will all have roles to play.

The Third World Conference

The third World Conference is designed to be an action-oriented conference concentrating on practical steps, recommendations and implementation of existing human rights instruments. The 52nd GA set out the following guidelines from which the agenda will be created (A/res/52/111):

1. Review progress made in the fight against racial discrimination, since the adoption of the Universal Declaration of Human Rights and reappraise the obstacles to progress;
2. Consider ways to better ensure the application of existing standards and instruments to combat racial discrimination;
3. Increase awareness of racism and related issues;

4. To make recommendations on ways to increase the effectiveness of the activities and mechanisms of the UN through programs aimed at combating racism;
5. Review the political, historical, economic, social, cultural and other factors leading to racism, racial discrimination, xenophobia and related intolerance;
6. To make recommendations to further action-oriented national, regional and international measures to combat all forms of racism;
7. To make recommendations for ensuring that the UN has the financial and other resources needed for its actions to combat racism.

The following are some of the suggestions for agenda topics CERD has put forward:

- factors which tend to perpetuate racism;
- impact of economic globalization on the resurgence of racism;
- treatment of migrants, refugees, asylum seekers and displaced persons;
- protecting rights of indigenous peoples;
- aftermath of slavery and colonialism;
- ethnic conflicts, including early warning and emergency measures;
- prevention of discrimination through education;
- remedies, recourse mechanisms and reparations for vulnerable groups;
- affirmative action;
- implementation of the Convention;
- steps to suppress speech inciting hatred and promote tolerance on the Internet;
- implications of multiple identities (race, color, descent, national or ethnic origin, gender);
- denial that racism exists.

Several issues may prove contentious as Member States seek to finalize the agenda of the Conference. Some prefer not to discuss modern or historical forms of slavery (especially with regard to reparations.) The role of the Internet as a disseminator of racist propaganda and its potential for promoting tolerance is being carefully examined. Differing perspectives on freedom of speech may polarize the discussion of suppression of hate speech on the Internet and elsewhere. Accusations from the South about rising intolerance and discrimination in the North concerning immigration policies, asylum seekers and migrant workers may affect the goodwill of discussions.

Problems

A significant number of nations expressed concern that many of the activities planned for the Third Decade have not come to fruition due to a lack of funding. In speeches to the Third Committee during the 54th GA delegates appealed to the Secretary-General to make the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance a higher priority, and asked him to ensure adequate funding for the World Conference. The plan is for the World Conference financing to come from a UN voluntary fund to which nations, organizations and individuals can contribute. The voluntary fund is currently well below the projected sum needed to finance the Conference.

Regional Preparations

The regions of the world are approaching the World Conference at different speeds. The 52nd General Assembly resolution called on each nation and/or each region to hold preparatory meetings in preparation for it. The regional meetings are designed to sensitize the public to the impending World Conference and has an important role in identifying, at national and regional levels, obstacles to combating racism, discrimination and intolerance. Thus far, Asia appears to be the slowest region of the world in terms of regional conference preparation, though this may change after the first prepcom. Africa's Organization for African Unity (OAU) has agreed to have a regional meeting but planning remains in the early stages. The Americas

have begun to talk about a possible regional meeting to be hosted by Brazil in 2001. (The participation of the US and Canada remains a question.) The Council of Europe has set the date for its regional conference, in which NGOs and Governments will take part and the Council of Europe is being encouraged to include countries of Eastern Europe. NGOs in Europe have shown a keen interest in the outcome of the European conference, which is "All Different-All Equal: From Principles to Practice" and is scheduled for October 2000. (For more information on the Europe meeting visit www.magenta.nl/icare).

Civil Society Involvement

Many nations have stressed the importance of NGO participation in the preparatory process and the World Conference. The participation of smaller regional and national NGOs will be an essential source of information on racism, racial discrimination, xenophobia and related intolerance around the globe. Organizations with the capacity to do so have been encouraged to undertake some of the research needed for the Conference using the expertise of local communities and academia. Background research for specific issues will be submitted to the OHCHR to be circulated to experts meetings and at the prepcoms. At a briefing held by the New York Office of the High Commissioner for Human Rights, an appeal was made to NGOs to assist in identifying smaller regional NGOs. It is especially pressing to facilitate the participation of civil society groups from the South whose experiences and resources cannot be utilized without financial assistance for attending and participating in the Conference process. Northern NGOs have been encouraged to seek funds for the participation of Southern NGOs and for the Conference itself. Currently NGOs with consultative status to the Economic and Social Council will participate as observers at the World Conference in South Africa and the prepcom sessions in Geneva. The prepcoms in Geneva and the World Conference are open to all interested NGOs if they apply to the Secretariat for accreditation (www.unhchr.ch/html/racism/note.htm). The majority of the substantive negotiations and decisions will be accomplished during the prepcom process, and the

governmental Conference in South Africa will merely polish and acknowledge work done at the prepcoms. An NGO conference on racism will overlap with the governmental Conference in South Africa. NGO activities are also expected surrounding the regional meetings in Europe and Brazil.

Diversified participation of NGOs from the North and South could foster valuable partnerships, resource sharing, and a truly international movement to combat intolerance. Regional and national NGOs will be an important means of disseminating information at the grass roots and of holding national governments accountable to the national declarations and programmes emerging from the World Conference (as an international standard.) NGOs engaged in tolerance education and sensitivity training can share valuable lessons and create a body of work (a book or a newsletter) that could serve as a resource for anti-discrimination work world wide.

Challenges and Suggested Outcomes

Multiple challenges lie ahead for a successful Conference Against Racism. First, participants will need to overcome the political difficulties of past conferences and strive for full participation of all UN Member States. The second challenge facing the Conference is the ability of the Member States to take ownership of the difficulties they are experiencing in implementing the Programmes of Action and the International Convention on the Elimination of All forms of Racial Discrimination. With some Member States openly incensed by the country reports of the Special Rapporteur (and others denying the existence of human rights violations), it is important to keep all the nations of the world involved as participants. NGOs will have the important job of encouraging their governments to attend the Conference and to facilitate useful and creative discussions focused on the elimination of intolerance. A third challenge is that States must be willing to discuss the institutionalization of racial discrimination. They need to acknowledge the overarching presence of a system of oppression that squanders the potential of human beings and benefits a select few. This challenge cuts across issues of sustainable development, hunger, poverty, education, violence, and debt eradication, to name a few. States must examine the existence of racism and discrimination within their institutions, and

listen to the 'best practices' of NGOs, other States and CERD if they expect to make progress.

Ideally the World Conference will bring NGOs, international civil servants and government actors together in a creative dialogue on how to make the best use of the skills and resources available to each in the battle against racism and intolerance. One hopes that the NGOs involved in the conference process will grow together in a loose coalition that could share information about the fight against racism in their home countries, thus eliminating the isolation of the anti-discrimination movements. Marginalized groups and their allies around the world would benefit from increased communication. A group of NGOs might pool their experiences into a handbook or newsletter of "best practices" to be shared. One of the most important opportunities available to NGOs during the conference will be the opportunity to listen to one another carefully, to recognize and appreciate each other's varied challenges, and to incorporate an appreciation of the international struggle into their specific anti-discrimination movements at home.

The World Conference in South Africa will serve as the springboard for a global anti-discrimination movement. It will be an excellent opportunity to survey the current situation and create new solutions for emerging problems. The real work for NGOs and governments will be the implementation of the World Conference plans of action and conclusions. In the words of Gay McDougall, a CERD member, "the World Conference will be a unique and important opportunity to create a new world vision for the fight against racism in the twenty-first century. The message should be a positive one about the benefits of diversity and equality in national communities and internationally." The World Conference will be an important forum to create a new action-oriented programme of activities and a declaration on how the world will approach the fight against racism and gradually overcome the past difficulties of enforcement. The United Nations has an important role to play as the forum for world discussion. The UN can keep international attention focused on overcoming racial discrimination and be a resource for beleaguered parties and States seeking legislative advice. Racism and xenophobia are social problems with resolutions that require implementation at the

legal level by states as well as the interpersonal level of individuals. The World Conference will be an opportunity to examine racism and intolerance globally and develop solutions and activities that encourage equality and understanding that resonate across cultural and political lines.

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The Official Racism Conference web site is:

www.unhchr.ch/html/racism/index.htm

Or write to:

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1211 Geneva 10 Switzerland

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3 Ibid pg. 6.

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