

Briefing on the Attendance of the World Conference
Against Racism, Racial Discrimination, Xenophobia and Related Intolerance

World Conference Against Racism

(27th August – 8th September, 2001)



Durban, South Africa, 2001

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Introduction

The UN General Assembly decided (in GA resolution 52/111) to hold the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 1997. That Conference took place from the 31st August to 8th September (it was extended by one extra day) in Durban, South Africa, 2001. A number of Swedish NGOs, including this organisation, participated in that conference, and this report of based on our participation.

The UN had earlier designated the three decades between 1973 and 2003 as decades for action to combat racism and racial discrimination and to ensure support for people struggling for racial equality. During the first two decades, two world conferences to combat racism were held in Geneva, Switzerland (in 1978 and 1983) to measure any progress and to produce a Programme of Action for each decade. The Programme of Action for the third decade, ends in 2003.

The United Nations Commission on Human Rights in Geneva was the preparatory committee for the World Conference in Durban. Prior to the conference, three preparatory intergovernmental meetings, known as PrepComs, took place in Geneva. At the first meeting, governments took a number of organisational decisions, including the adoption of the provisional agenda for the conference and its draft rules of procedure. They also discussed the draft declaration and programme of action that would be adopted by the Conference. NGO activity at the conference in Durban would be co-ordinated by the steering committee at the South African NGO Coalition (SANGOCO), while the NGO Liaison Office at the Office of the High Commission for Human Rights would provide information to NGOs.

According to the High Commissioner for Human Rights, Mrs. Mary Robinson, the World Conference of 2001 would be a landmark in the struggle to eradicate all forms of racism and would mandate a follow-up

mechanism to examine whether Governments have delivered on their promises or not. Mrs Robinson promised "*to make it a conference of actions not just words*", emphasising that this World Conference is an unique opportunity to create a new world vision for the fight against racism in the twenty-first century. Mrs. Robinson sincerely intended for this to be an opportunity to reflect the visions and voices of all parties concerned in the struggle against racism – especially the voices of NGOs.

Mrs. Robinson's statement was a profound statement of support for those of us with an immigrant background living in Sweden. They made it clear that our voices too, were meant to be heard at this conference, and that we must have a presence there to ensure that we are full participants in the global democratic process. Unfortunately, the enthusiasm expressed by her intentions could not be realised, and only four immigrant-based Swedish NGOs attended the conference. This is clearly a sign that there needs to be a change in routines for information and support to immigrant-based NGOs in Sweden.

The Conference in Durban aims to produce a document which, though it is not legally binding, will inspire State parties to enhance their commitments under existing instruments and adopt stronger policies and programmes against racial discrimination, racism, xenophobia and related intolerances.

On behalf of the Board of Directors of this organisation, I would like to express sincere thanks to The Ministry of Trade and Industry and the Swedish Integration Board (Integrationsverket) for their willingness to support the attendance of the few immigrant-based NGOs that attended this most important conference.

M. Arthur Diakité,

Lund

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The Focus of the WCAR

The World Conference Against Racism that was held in Durban, South Africa focused on practical steps to eradicate racism. It also addressed measures of prevention, education and protection. It paid special attention to identifying victims of racism, racial discrimination, xenophobia and related intolerance and worked towards adopting a Declaration and Programme of Action that would call for governments to adopt effective remedies for the victims of such human rights abuses.

The conference began with a three-day NGO Forum (27th- 30th August) that ended the day before the Group of 21 began debating and adopting final paragraphs for their Declaration and Programme of Action. The conference was originally scheduled to close on the 7th of September, but needed an extra day due to continued negotiations. It formally closed on the 8th of September. Most of the paragraphs that were adopted during the 2nd and 3rd PrepComs held in Geneva remained untouched during the first reading of the Draft Declaration and Programme of Action at Durban. A number of these paragraphs addressed specific victims of discrimination (such as African descendants, indigenous and gender issues, migrants and migrant workers) and introduced language not previously mentioned in earlier human rights treaties (such as *mother tongue teaching* and *self-esteem lessons in schools*). Even the term *affirmative action* was left standing in the Programme of Action drafts that were released at the end of the conference.

Governments were able to indicate their reservations about a text by placing square brackets, e.g., [abc] around the word or phrase they did not approve of. In some cases entire paragraphs had brackets and on the final (extended) day of the conference, those paragraphs that had "bracketed phrases were set aside (dropped) after a "*no action motion*" was voted on (50 – 38, with 11 abstentions). Those paragraphs contained language on caste (Dalits), sexual orientation, restitution for the slave trade, and other issues not popular with many government delegates. The result of the "*no action motion*" is that

those paragraphs were not included in the final Declaration and Programme of Action.

The United States and Israel walked out of the conference before the closing ceremony over the use of language on the Middle East.

Main Achievements

The main achievements of the WCAR in Durban is as follows:

- On the Middle East, the Conference called for the end of violence and the swift resumption of peace negotiations; respect for international human rights and humanitarian law; and respect for the principle of self-determination and the end of all suffering, thus allowing Israel and the Palestinians to resume the peace process, and to develop and prosper in security and freedom.
- Expressing concern about the plight of the Palestinian people under foreign occupation, the Conference, in its Declaration, recognised the inalienable right of the Palestinian people to self-determination and to the establishment of an independent state. It also recognised the right to security for all States in the region, including Israel, and called upon all States to support the peace process and bring it to an early conclusion.
- On the question of slavery, the Conference agreed on text that acknowledges and profoundly regrets the massive human sufferings and the tragic plight of millions of men, women and children as a result of slavery, slave trade, transatlantic slave trade, apartheid, colonialism and genocide. Acknowledging that these were appalling tragedies in the history of humanity, the Conference further acknowledged that slavery and the slave trade are a crime against humanity and should always have been so, especially the transatlantic slave trade.
- Inviting the international community to honour the memory of the victims of these tragedies, the Conference also noted that some States have taken the initiative of regretting or expressing remorse or presenting apologies, and called on all those who have not yet

contributed to restoring the dignity of the victims to find appropriate ways to do so.

- Concerning compensation and reparations by so-called “concerned States” for slavery, the slave trade and other historical injustices, the Conference recognises that those historical injustices have undeniably contributed to poverty, underdevelopment, marginalisation, social exclusion, economic disparities, instability and insecurity that affect many people in different parts of the world, particularly in developing countries. The Conference recognised the need to develop programmes for the social and economic development of those societies and the Diaspora within the framework of a new partnership based on the spirit of solidarity and mutual respect in the following areas: debt relief, poverty eradication, building or strengthening democratic institutions, promotion of foreign direct investment and market access.
- The Conference, recognising the efforts of African leaders to address the challenges of poverty, calls on developed countries, as well as the United Nations system, to support the New African Initiative and other innovative mechanisms, such as the World Solidarity Fund for the Eradication of Poverty.
- On the question of victims of racism, another issue that had been difficult to resolve, the Conference agreed on a generic text which stated that *“the victims of racism, racial discrimination, xenophobia and related intolerance are individuals or groups of individuals who are or who have been affected by or subjected to or targets of those scourges”*.
- Regarding the grounds for discrimination, the Conference recognised that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origins, and that the victims can suffer multiple or aggravated forms of discrimination based on other or related grounds, including language, sex, religion, political or other opinion, social origin, property, birth or other status.

In her closing remarks, the President of the Conference, Nkosazana Dlamini Zuma, said that Durban had agreed on a fresh start and a new road-map for the fight against racism.

Endorsing the point that the Conference had set explicit goals and action for combating discrimination, the United Nations High Commissioner for Human Rights, Mary Robinson, who acted as Secretary-General of the Conference, said that the main message she would like to leave the delegates with was that Durban must be a beginning and not an end. “There must be follow-up”, she said.

(A more complete list of these and other key provisions of the Declaration and Programme of Action are in a press release at: www.unhchr.wcar)

Participants

Participating in the World Conference were 2,300 representatives from 163 countries, including 16 heads of State, 58 foreign ministers and 44 ministers. The representative for the EU-block countries was Belgium, and though each country had a seat in the session halls, all the EU countries spoke through that nation's representative. Though neither Sweden's Ambassador to the conference nor any of the other Swedish government delegates debated any of the issues publicly, they were involved in intensive negotiations with other delegates in closed sessions. The US and Israel delegates walked out of the Conference at one point. However, a US Delegate remained seated during the remainder of the sessions as an observer for the rest of the Conference.

NGO Presence

More than 5000 representatives of NGOs and over 1,100 media representatives were accredited to attend the conference. The NGOs worked within 44 caucuses, each of which produced its own suggestions in a document that was later merged with the controversial NGO Forum Declaration and Programme of Action. The intention with this is that it be

recommended to governments for their considerations by the Secretary General of the Conference, Mrs. Mary Robinson. But due to controversy around Middle East issues in the document, Ms. Robinson was unable to recommend the NGO Forum Declaration and Programme of Action to governments, though she did not “disassociate” herself from it totally. The controversial issues split the NGO Forum, a factor which is explained more in detail below (see The Impact of NGOs).

Swedish NGO Participation

An official Swedish NGO delegation consisting of representatives of the Sami, Roma, Jewish and immigrant communities in Sweden attended the conference. The delegation was headed by an NGO Liaison Officer who gave daily briefings during the conference. There were also a number of independent NGO representatives whose participation would not have been possible without the support of the Ministry of Trade. At least four of these organisations -- *Afrosvenskarnas Riksförbund*, (The) *English International Association of Lund (EIA)*, *Riksförbund Internationella Föreningar för Invandrarkvinnor (RIFFI)*, *Politiskt aktiva för mångfald (PAM)*, and *Riksorganisationen Ungdom mot rasism* -- represented the interests of the immigrants in Sweden. Three representatives of youth organisations were also in attendance.

Only three of the immigrant-based organisations -- *Afrosvenskarnas Riksförbund*, *English International* and *RIFFI* -- had attended the 2nd and 3rd PrepComs in Geneva. It was essential to have attended the PrepComs, as language introduced in the caucus documents was able to be “ushered” into the conference’s final documents through lobbying governments to accept the language.

All the Swedish NGOs present at this conference made important contributions through lobbying and networking.

English International's Participation

The English International Association of Lund's participation at the conference began with our attending the 2nd and 3rd PrepComs in Geneva. From the beginning, our interests were with the G-21 document, which we focused on within the European NGOs and Migration Caucuses. We contributed language, text, ideas and worked on the drafting team that produced the Draft NGO Forum Document during the 2nd PrepCom. During both PrepComs we participated in European and Migration Caucus daily briefings, and made sure that language on issues of concern to immigrants in Sweden (e.g., text on migrant workers, mother-tongue language and esteem-building lessons in education, affirmative action on the job market) was present in the caucus documents and was brought to the attention of G-21 delegates during the Working Group Sessions.

During the conference, we participated in daily Swedish NGO, Migration Caucus and European Caucus briefings and kept up our profile with the G-21 delegates. As we were present at the conference already on its opening day (27th August), we were able to provide initial assistance to fellow-NGOs and other members of the official Swedish Delegation when they arrived.

The Impacts of NGOs

NGOs made important contributions to the conference. Their impact will be remembered for having both progressive *and* regressive highlights, and will be both appreciated *and* unappreciated by both governments and NGOs.

Progressive Highlights

The adoption of a number of paragraphs in the G-21 Draft Programme of Action and the Declaration will certainly be remembered as a progressive step for the NGOs involved in lobbying. Those that were well-organised and staffed with skilled and qualified lobbyists, such as the Migration and Refugee Caucus, saw much of their language adopted by governments in the Working Groups. Those paragraphs were adopted only after hard and detailed debates over language, phrases and bracketed texts. Political

alliance was a major factor that not only mattered between governments, but was strongly felt within the NGOs there.

Above all, NGOs were able to network with one another and come to understandings and agreements on issues and strategies. For many, the conference has produced a document that, though not legally binding in international legal terms, is an instrument they can use for debates with their politicians, in education and awareness-building. The conference gave them a sense of unity and a public forum .

Regressive Highlights

There are also a number of NGOs who are pleased with neither the G-21 documents nor the NGO-Forum documents. Set-backs for these NGOs includes the High Commissioner's (Mrs. Mary Robinson) refusing to submit the NGO-Forum document to governments because of the language used on a number of issues, one of which is the Middle East. But it was not "rejected" outright by the HR Commissioner, though a number of NGOs, who felt that the it failed to reflect their interests issued statements of "disassociation" from the main NGO Forum document. This clearly split the NGO community.

Divisive Issues

What happened within the Swedish NGO community at the WCAR reflects this division well. In association with the Eastern European Caucus, a number of Swedish NGOs (including *Swedish Save the Children*, The *Swedish UN Association*, *Helsingforskommittén*, and *Frivilligaorganisationers Fond för Mänskliga rättigheter*) published a statement of "disassociation" from the main NGO document because of language used in the Middle East conflict shortly after the NGO Forum Declaration was adopted. The statement was published without any consultation with the immigrant-based Swedish NGOs present in Durban. By co-sponsoring such a statement so quickly, however, they were quickly identified by a number of European and African NGOs as being "part of our problem and not of the solution", as the act was seen by many as an

attempt to discredit the NGO forum and perhaps the Conference itself. This same group of Swedish NGOs later published a similar statement in the Swedish evening paper Expressen on the 5th of September. Both statements were released without any formal statement of disassociation from the NGO document by the conference's General Secretary, Mrs. Mary Robinson.

A similar attempt at "*disassociation*" by a minority of NGO representatives to the European Caucus was thwarted by quick action and a call for a more democratically taken position by a number of immigrant-based NGOs at the conference (TIYE International, The Netherlands, The English International Association of Lund, Sweden, MIRA – Resource Centre for Black, Immigrant and Refugee Women, Norway). The result of this quick action was that the European Caucus of NGOs did not send out a press release disassociating itself from the NGO Forum document.

Though there were a number of other NGOs printing statements of disassociation from the main document, such actions -- which were rumoured to have been encouraged by a number of State delegates -- reflect the absence of trust and communication within the NGO community at large. It remains the strongest indication of the need for more open and intensive NGO dialogue over the many issues.

The Importance of the Declaration and Programme of Action

In spite the divisive factors within the NGO and G-21 platforms, the conference did finally approve of a final document that addressed the issues of the conference.

Although not a legally binding instrument (it is known as "soft law" in international legal terms), the **Declaration and Programme of Action** from this conference is an appendix to the International Convention on the Elimination of All Forms of Racial Discrimination, the first human rights treaty that was adopted by the General Assembly (a.k.a. ICERD, the treaty was adopted by on the 21st of December, 1965). It provides a detailed list of victims,

problems and potential remedies that can be used in general discussions and debates on racism, racial discrimination, xenophobia and related intolerance. It is, above all, an instrument of **moral commitment**. States are therefore morally bound to the principles, declarations and the programme of action contained in the instrument.

NGOs can use this Declaration as an appendix to the ICERD in their debates and discussions with their governments. They can also refer to it in their communications with the United Nations and its organisations. The adoption of this instrument with the text and language it now contains is the most important achievement of the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, 2001.

Conclusion

In spite of complaints from a number of NGOs, walk-outs by the US and Israel and threats to do so by the EU, the conference has been judged a success by many NGOs and the General Secretary of the Conference, Mrs. Mary Robinson. Amongst the reasons for concurring with Mrs. Robinson are:

- 1) In spite of a large number of demonstrations, there was no violence on the scale seen at Seattle, Gothenburg and Genoa.
- 2) The lobbying influences of NGOs really made the difference between an extremely weak document and the more substantial one that resulted from such lobbying.
- 3) The voices of the NGO community was finally “heard”. Many people who have not been able to express their victimisation were able to do so at this conference. For many G-21 delegates this was a first time to hear such specific complaints and to be able to debate them.

Recommendations

The presence of immigrant-based Swedish NGOs or those with issues specifically aimed at racism and discrimination was weakened by the presence of those four NGOs mentioned earlier. A stronger presence was needed, and they should have been supported from the very beginning of the WCAR process.

Our recommendation is that effective measures should be taken to ensure that funds are available for immigrant-based and anti-racist NGOs to participate in inter-regional (European) and international (UN, ILO, etc) preparatory and main conferences. Such participation is essential. A number of other European nations provide considerable support for NGOs, and I strongly urge the Swedish officials and advisors concerned with these matters to look into them seriously. Immigrant-based and anti-racist NGOs in Sweden must have similar support.

Our participation was possible because of the support we received from the Swedish Board of Immigration and the Ministry of Trade and Industry. Hopefully, I speak for the other immigrant-based NGOs who attended the Conference, when I offer this expression of gratitude to that Ministry and to officials at the Board of Immigration for their support of our attending the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in Durban, South Africa.

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