

Conclusions and Perspectives on the World Conference Against Racism – Implementing the Durban Declaration and Programme of Action

by Patricia Nozipho January-Bardill

INTRODUCTION

Thank you Chairperson. I feel honoured to have been asked by the Federal Commission Against Racism to share this platform with you today to look at the successes of Durban and how we collectively engage, albeit from our different vantage points, in the struggle against racism in the world. I speak today more as a member of the United Nations Committee on the Elimination of Racial Discrimination and an African living in Switzerland than a South African Ambassador. In that way I can express myself as an “independent expert” in UN speak, and as a person who has spent most of my life working for social justice and human rights. Anti racism and gender equality have been the focus of my attention for the last 20 years. They have been mainstreamed into my personal, professional and spiritual life.

I would like to start by congratulating the government and people of Switzerland for deciding to join the United Nations. By coincidence, Switzerland was the first country to present its report to our Committee two weeks ago at the UN – a day after the outcome of the referendum. I believe it was the right decision and time will tell for those of you who might still be skeptical about the wisdom of the majority decision. As a very small part of the United Nations I take the liberty to welcome you, on behalf of the Committee on the Elimination of Racial Discrimination, to the UN and look forward to a long relationship with our Committee, to which, I believe, you will add much value.

THE DURBAN CONFERENCE

About a month ago I had the privilege of addressing a group of Swiss NGOs on the post Durban process and told them that as a member of CERD I was given the opportunity to attend all the preparatory processes leading up to the World Conference Against Racism in Durban, South Africa. Though I was unable to attend the real conference through a personal misfortune, planned in heaven somewhere, the experience was still invaluable. I told my NGO audience that planning Durban was for me something between Martin Luther King’s “I have a dream” and a “mother of all nightmares”. The joy of this wonderful vision and the pain of the actual process of shaping the content of the conference represented for me the essence of the issue as well as the particular UN process. The pain was part of the process. It had to be. There was no way of avoiding it because talking about racism is painful to the human race. Both perpetrators and victims are dehumanized by racism and the pain is a symbol, an expression of that.

It was not surprising therefore, that the conference in Durban also contained elements of immense joy, represented by the colourful multi racial, multi cultural multi faith potpourri of diverse nation states, NGOs and national institutions as we struggled to reach consensus on how to combat racial discrimination, racism, xenophobia and related intolerances; and the pain of individual victims, victors and perpetrators with competing interests, from across the globe, exposing their emotional scars and intense feelings of guilt and anger, competing to get their issues included in or removed from the Declaration and Programme of Action – the products of the entire process.

Dealing with conflicting interests and reaching consensus is really what the conference was about. In this regard I would like to give praise to the Chairperson, our Minister of Foreign Affairs, Mrs Nkosazana Zuma for using every possible negotiation skill in the book to get to where we are today, and Ms Mary Robinson, the High Commissioner for Human Rights. Both these great women, one black and one white demonstrated to us all the power of commitment, dedication, focus, humility and a very thick skin.

A special applause also goes to NGOs that experienced their own internal conflicts but had the courage face them and emerge with their own NGO document. The NGO Liaison Office in the OHCHR and the inexperienced SA NGO Coalition, tasked with organizing the NGO Forum learned many painful lessons on how not to do things. But they stuck it through to the bitter end.

WHAT DID WE ACHIEVE

Despite moments of tension and potential conflict throughout the preparatory and conference process the conference managed to resolve issues that threatened to disrupt it altogether:

The past:

Slavery and the Slave trade were both recognized and acknowledged as crimes against humanity

Conference acknowledged that Colonialism led to racism and the legacies of that period still prevail today

A common language related to the middle east conflict was agreed without negating the Holocaust and its legacies

Themes:

The themes that received attention moved from extreme margins of debate and included discussions about,

The youth, indigenous peoples, origin or cast (such as the Dalit), Roma, Migrants, asylum seekers and refugees, displaced persons, people with African and Asian descent, Palestinians and self-determination, reparations for past injustices, multi forms of identities and discriminations and particularly the intersections of race and gender, HIV/AIDs and globalisation.

Structures:

Institutions that were involved in the struggle for racial justice participated actively in the debates and discussions and also talked about the challenges they all faced in the continued struggle against racial discrimination. Round tables and discussion groups included structures such as UN Treaty Bodies; UN Agencies National Human Rights Institutions and political parties.

Numerous proposals were made on how they could redefine and sharpen their future roles and responsibilities in advancing their work and relating it directly to the Durban Declaration and Programme of Action.

Last but not least, The VOICES of VICTIMS speak out organized by myself, the SA Human Rights Commission, and in particular, my dear American colleague on CERD, Ms Gay McDougall who honestly did 85% of the work and deserves a special mention, added a personal touch to the conference by giving racism a human dimension. Individuals – victims of racism from across the globe were able to share their experiences not only with conference delegates but also with the SAfrican public through the SABC.

So was the conference a success? It depends on your perspective. Simply speaking, YES, if you understand the limitations of the UN World Conference process and consensus politics that often aims for the lowest common denominator and waters down previous standards set by other processes. And NO, if you are a cynic or had higher expectations.

The Challenge now is what we do with what we have.

The Anti Discrimination Unit in the Office of the High Commissioner for Human Rights

Towards the end of last month the Third Committee of the UN (The Social Humanitarian and Cultural Committee) of the General Assembly approved a draft proposal to set up an Interim Anti Discrimination Unit in the OHCHR to take the process forward in the UN. Furthermore the Assembly would also request the Secretary general to appoint 5 independent experts, one from each region, to follow the implementation of the provisions of the Declaration and Programme of Action. The functions of the Unit are the following:

To compile and prepare annual progress reports on actions taken by governments, national human rights institutions, treaty bodies and civil society organizations towards implementing the POA;

Assist the 5 independent eminent experts who will help implement the POA;

Promote and strengthen active liaison and consultation on Durban follow up with NGOs and other civil society organizations, as well as with UN agencies and other inter-governmental bodies;

Initiate and support awareness-building projects with various institutions; and

Establish a database of good practices in addressing racism and racial discriminations;

Provide support to the Durban follow-up expert meetings that will be held in each of the regions over the next two years.

A WAY FORWARD FOR AFRICA

Because the WCAR documents express solidarity with the people of Africa and their continuing struggle against racism, racial discrimination, Xenophobia and related intolerances; and because the documents acknowledge that slavery and the slave trade were a crime against humanity and that colonialism led to racism, racial discrimination, xenophobia and related intolerance; that Africans continue to be victims of their consequences including the resultant underdevelopment and extreme poverty and dehumanization it is apparent that:

There is a need to recognize the value and diversity of the cultural heritage of Africans and people of African descent;

The world should ensure full integration of Africa into the social, economic and political life with a view to facilitating African participation in decision-making;

Inequality based on racism is prevalent in education, health, housing and other social activities;

Persistent barriers are faced as a result of social biases and discrimination in public and private institutions.

There is therefore a need for states to:

Facilitate participation of people of African descent in all political, social and cultural aspects of society, as well as in the advancement of economic development of their countries.

Support investments in basic needs such as public health care systems, education, electrification and access to water in communities of African descent.

Call upon the UN and international financial and development institutions to develop capacity building programmes intended for Africans and people of African descent.

Request Commissions on Human Rights to conduct studies on the problems of reconstruction and development faced by people of African descent and the Diaspora; and

Allocate resources to improve the situation of Africans and people of African descent and the Diaspora;

Fund technology transfer and know how between states;

Invest in health, education, water, the environment;

Ensure equality of opportunity in employment;

Take note of the intersection of race and gender by addressing the needs of African women;

Allocate resources in the development of technology and ensure that women too have access to ICTs;

Take note of factors that hinder access to private and public institutions;

Ensure that Africans have equal access to justice and judicial institutions and processes;

Ensure access to land and community development;

Ensure that the basic rights of migrants and asylum seekers from African countries are not violated – that they enjoy protection of those rights and their basic human needs are adequately met.

NEW PARTNERSHIP FOR AFRICA'S DEVELOPMENT

A blue print for the renewal of our continent;

Initiated by the Organisation for African Unity, soon to become the African Union;

Led by South Africa, Nigeria, Senegal, Algeria and Egypt;

Identifies key elements for African development.

NEPAD is:

A confidence builder;

A promoter of good political and economic governance;

A political leader for multi-country programmes;

Providing leadership in negotiating a new partnership with industrialized countries;

A catalyst, initiator and facilitator;

A risk mitigator;

A source for demand for services of African institutions;

A promoter of resource flows within the continent;

An integrator.

In order to succeed NEPAD aims to:

Broaden African ownership;

Increase country participation by including civil society and business;

Strengthen leadership by heads of state;

Avoid depending on the goodwill of the international community;

Work closely with regional and multilateral institutions;

Increase debt reduction to give Africa a new start;
Mobilise the private sector;
Strengthen participation in international for a
Work closely and align NEPAD initiatives to regional economic structures

Key projects include:

Improving political governance, peace and security through strengthening mechanisms for conflict prevention, management and resolution and protecting democracy and human rights;
Improving economic and corporate governance through standard setting and peer review as well as capacity building and the strengthening of watchdog organizations such as ombudsmen and parliamentary oversight structures;
Improving Infrastructure development through ICT development; Water and Sanitation projects; Transport projects; Energy projects.
Improving Agriculture and Market access through maintain and upgrading access to natural resources; eliminating gender bias in access and use of land;
Improving market access through encouraging intra-African trade
Improving Human Development through health, education and poverty alleviation by strengthening health systems especially focusing on HIV/AIDS, TB. Malaria; Capacity building in science and technology and increasing ODA for education, health and poverty alleviation
Increasing Capital flow by mobilising support for the raising of ODA from 0,3% to 0,7% of OECD GDP
Increased debt relief, especially the Highly Indebted Poor Countries (HIPC)
Increasing Foreign Direct Investment
Investing in Capacity Building projects by strengthening public and private institutions and consultation processes

NEPAD therefore creates the opportunity for joint activities between African governments and national states in industrialized countries. It is not about reparations and the past but more about development and the future.

WHAT ROLE FOR SWITZERLAND

Is there racism in Switzerland?

The world is full of racism and Switzerland would be a pleasant exception. It may be hidden in the statute books and in the institutions. It may be found in homes, the streets, the bars and pubs and clubs, in housing estates and shopping centres. Sometimes it is very overt and sometimes very covert. Have I experienced it? Not really because

my title, class and function has protected me. But the black men in my embassy have experienced it very directly. It is not surprising.

The challenge for Switzerland is to find out for yourselves by talking to black people living here. The Commission should be able to do that. The name-calling is not the issue really. One can deal with that because that is an expression of prejudice. But institutional racism is what hurts more – when you are looking for a house to rent, like one of my colleagues is currently doing, and you get to an apartment, and the estate agent has one look at your skin colour and decides that he is not interested in a deal.

Racism is on the increase in Europe, and especially since September 11th 2001. Our Committee has just seen incredible evidence of this from the reports that state parties give to us. It is not surprising. What to do about it in detail will need another conference. Suffice it to say that the Declaration and program of Action is a good place to start to address the issues.

I hope that Switzerland will support the Anti Discrimination Unit through voluntary funding and that it will also look at its own internal strategy to implement Durban. You are a small rich and good country and can achieve a lot more than many other countries. I wish you luck and look forward to a very constructive relationship with the Commission and the people of this country.

Die Autorin:

Nozipho January-Bardill was born in Kimberley, South Africa and graduated with an BA in English and Philosophie in Lesotho, an MA in Applied Linguistics in Essex (UK) and got a diploma in Human Resources Management. She was Director and also founder member of several South African NGOs and had worked also for the South African Parliament. She is a founder member and First Chair of the South African Gender Education and Training Network. Before joining Parliament, Nozipho worked as Director of World University Service (S.A.), an organisation that played a key role in the rehabilitation of ex-political prisoners in South Africa. Recently she was elected to the UN Expert Committee on the Elimination of Racial Discrimination. Since April 2001, she is Head of the South African Embassy in Switzerland.

