

World Conference against Racism

Success or Failure?

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'Success or failure?' was the question which arose in the mind of many both in and outside Durban, when the UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance concluded its intensive and often difficult deliberations on a number of issues pertaining to the theme of the conference, belatedly on 8 September 2001, with the adoption of a Declaration and Programme Action.

Indeed, the Conference, which had been scheduled to end on 7 September, was forced to extend in order to handle numerous outstanding paragraphs, many of which were far from reaching a consensus, notably, those relating to Palestine, apology and reparations for slavery, and the issue of discrimination based on work and descent.

Most of those 'on-going' paragraphs, including the one on work and descent, were eventually dropped from the conference documents, following the 'no action motion'. On its part, IMADR has highlighted a number of specific issues pertaining to racism and discrimination throughout the process leading to the World Conference against Racism.

They include slavery, slave-trade and colonialism, discrimination based on work (occupation) and descent, intersection of gender and racism, and globalisation and racism (see IMADR Position Paper No. 2, August 24, 2001).

While individuals and organisations associated with IMADR who participated in the Durban Conference lobbied independently on these and other issues, IMADR's own lobbying efforts were focused on the inclusion in the conference documents, of the question of discrimination based on work and descent, which features the discrimination against Buraku people, the founder of IMADR. With the deletion of the only relevant paragraph in the draft Programme of Action brought to Durban, are we to conclude that the WCAR was a failure?

No - even though the paragraph on work and descent did not survive the process, the issues, including the plights of Dalits in South Asia in particular in India, and the experience of Buraku people in Japan, gained throughout the process leading to the Conference a significant recognition by the international community, governments, United Nations, NGOs and individuals alike.

In Durban, explicit reference to discrimination based on work and descent in particular in South Asia, and in Japan, or to Dalits, was made more than once by the increasing number of international leaders, notably the United Nations Secretary General Kofi Annan and the High

Comissioner for Human Rights, Mary Robinson.

During the long drafting process of the Programme of Action, more and more delegations came up and publicly expressed their support of including the issue of descent- and work-based discrimination in the final documents. The number of groups and individuals who support the struggle of Dalits and Buraku people has increased considerably, and solidarity in particular between Dalits and Buraku people being strengthened.

Indeed, the lobbying IMADR carried out throughout the Durban process was not done alone. It was done jointly and in solidarity with many other like-minded groups and individuals, in particular Buraku people (through Buraku Liberation League, and the Buraku Liberation and Human Rights Research Institute), Indian Dalits, and many national, regional and international NGOs, who now constitute the International Dalit Solidarity Network.

Back in May it was members of the IDSN, including IMADR, who led Switzerland to introduce the following paragraph in question to the draft Programme of Action: '(WCAR) Urges States to ensure that all necessary constitutional, legislative and administrative measures, including appropriate forms of affirmative action, are in place to prohibit and redress discrimination on the basis of work and descent, and that such measures are respected and implemented by all State authorities at all levels'.

Through the 'clean-up' of the draft texts by a group of 21 states, the paragraph once mysteriously disappeared from the texts, which was later admitted as 'a mistake' following an intensive lobbying by IMADR and other members of the IDSN, and put back to the negotiating documents first by ways of corrigendum, and then explicitly at the request of the delegation of Guatemala on the very last day of the Third Session of the Preparatory Committee, just a few weeks before the opening of the WCAR.

At the outset of the meeting of the Drafting Committee of the Conference proper, the delegation of Switzerland withdrew the paragraph in question.

It later came to the public knowledge that the withdrawal was due to the strong pressure from India and the United States on Bern. Because of the limited number of passes issued for NGOs' access to the Drafting Committee rooms, none of the IMADR representative were present when this event happened.

However, several members of the IDSN did gain access, and more significantly, realised this Swiss plan before it was announced publicly. Thus, they lobbied among delegations, which had earlier expressed their support of the paragraph. As a result, Guatemala timely intervened, recalling its delegation's request made at the Third PrepCom that the paragraph in question should be kept till Durban, and expressing its explicit support of the retention of the language.

Members of the IDSN, or the Caste (Dalit) Caucus, including IMADR representatives, met several times every day to share each other's findings, and to plan joint strategies. Caucus members lobbied hard among delegations from diverse regions and religious affiliations, for the retention of the paragraph 73. It should be noted that IMADR's Secretary-General played an important role as an advisor of the Japanese to keep Japan from taking the side of India, while in his personal capacity speaking to various delegations in quest of support.

When the paragraph 73 was called for consideration, the chair of the Working Group on the draft Programme of Action decided to put it in brackets as it was obvious that there was no consensus, and designated India to be in charge of negotiations on the paragraph. Although many countries expressed their support of the retention of the paragraph, nobody was prepared to take a lead on calling for transparent processes on this paragraph by convening an open consultation, instead of bilateral negotiations with India. Nobody was willing to confront India for varying reasons.

While European Union, among others who supported paragraph 73, refused to engage in negotiations with India, India held an informal consultation with several countries and came up with a proposal for 'amendments' to paragraph 73, which reads:

(WCAR) Urges States to ensure that all necessary constitutional, legislative and administrative measures, including appropriate forms of affirmative and positive measures, are in place, particularly in areas of education and employment, to prohibit and redress discrimination on the basis of race, colour, work and descent, or national or ethnic origin, and that such measures are respected and implemented, by all State authorities at all levels as necessary;

However, these proposed amendments, which essentially changed the content and meaning of the original paragraph, were immediately turned down by Canada and several other countries.

Members of the Caste Caucus agreed that we would not accept any language which did not refer to discrimination based on work and descent, and that should the worse come, we would rather seek for deletion of the whole paragraph than compromising with such a language as proposed by India. At the time, IMADR and other Caucus members' efforts were directed at securing as many delegations as possible, which could defend the original paragraph 73 with no compromises.

Therefore, the decision of the Conference to drop the paragraph 73 along with many others on the last day was not a failure. On the contrary, there was strong government support against its deletion or dilution by the Indian government. The fact that a large number of countries openly supported the original Paragraph 73 proves a significant victory for the Caste Caucus or IDSN all of whom worked very hard to garner the support throughout the Conference.

IMADR's activities in Durban were not limited at the Inter-Governmental Conference. During the

preceding NGO Forum as well, IMADR was engaged in the advocacy jointly with Buraku Liberation League, for the recognition of discrimination against Buraku people as a discrimination based on work and descent.

In particular, representatives of IMADR and BLL actively participated in the drafting of the NGO Declaration and Programme of Action, which was facilitated and strongly supported by Dalit representatives. In particular, the Dalit Rapporteur of the Caste Commission invited Buraku representatives to prepare some substantial paragraphs specific to Buraku issues, for submission to the Drafting Committee of the NGO Forum.

In this regard it must be noted that Dalits representatives had been so keen on having paragraphs specifically referring to Dalits and castes in the NGO Declaration, which was possible unlike the inter-governmental conference, that they had not be aware that by doing so, they were effectively excluding Buraku people, discrimination against whom is not based on their 'caste'. With the participation of IMADR and BLL in the deliberations of the NGO documents, however, Dalits people came to realise their ignorance of Buraku people, and hence the invitation of the paragraphs on Buraku people as a gesture of solidarity.

Due to the troubles of general nature in the drafting process of the NGO Declaration and Programme of Action, the paragraphs on Buraku people were once omitted from the texts. However, thanks to Dalits people and members of the IDSN, they were put back to the final documents at the end of the Forum.

As the United Nations High Commissioner for Human Rights, Mary Robinson, who acted as Secretary-General of the Conference, said in her concluding statement, Durban must be a beginning and not an end. IMADR's struggle for Buraku people, Dalits and many others affected by racism and discrimination around the world will continue following Durban with more strength, in solidarity with any others with the same goals.

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