



Representatives of indigenous groups hold signs reading “We are peoples and not populations” and “We are discriminated against,” while some participants wear tape over the mouth to protest the refusal to allow NGO statements in the Drafting Committee of the PrepCom Final Declaration.

International Human Rights Law Group

REPORT ON THE REGIONAL PREPARATORY CONFERENCES OF THE AMERICAS

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Table of Contents

I.	Introduction	1
II.	Citizen's Conference	2
	Background	2
	Factors of the Conference and the Resulting Dynamic	3
	1. Massive presence and principal actors	3
	2. Lessons learned	4
	a. Organization	4
	b. Final Declaration	4
	c. Cross-regional dialogue	5
	d. Funding	5
III.	Regional PrepCom	7
	1. Issues	7
	a. Slavery and colonialism	7
	b. Reparations	7
	c. Victims	8
	d. Globalization	9
	e. Poverty	9
	f. Gender and race	9
	g. Indigenous peoples	10
	h. Other issues	10
	i. Some gaps	10
	2. State delegations	10
	a. United States	10
	b. Canada	11
	c. Brazil	11
	d. Barbados	11
	e. Cuba	11
	f. Guatemala	12
	g. Mexico	12
	h. Other States	12
	3. NGOs at the PrepCom	12
	4. Lessons learned for NGOs	13
	a. Defining priorities and positions	13
	b. Having access to the documents	13
	c. Building relationships with governments	14

IV. Recommendations	15
Attachment “Principles/Commitments on Race and Poverty” from NGO Roundtable on Race and Poverty	18

**REPORT ON THE REGIONAL PREPARATORY
CONFERENCES OF THE AMERICAS**

I. INTRODUCTION

In preparation for the upcoming UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, a regional meeting was held for the Americas in Santiago, Chile, from December 3 to December 7, 2000. There were two parallel meetings: the governmental conference, called the *Americas Preparatory Conference Against Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance* (hereinafter Regional PrepCom) and the parallel “NGO Forum,” called the *Conference of Citizens against Racism, Xenophobia, Intolerance and Discrimination* (hereinafter Citizen’s Conference).

The Regional PrepCom was convened by the Chilean Government and was held December 5-7. In that meeting, governments were the decision-makers and NGO representatives participated primarily as lobbyists, observers and providers of information. The Regional PrepCom adopted two final documents: a Final Declaration and a Plan of Action. The Citizen’s Conference took place prior to the governmental meeting from December 3-4, and NGOs, civil society and community-based organizations were the primary actors in that forum. The Citizen’s Conference adopted a Final Declaration. Both the Regional PrepCom and the Citizen’s Conference were convened in order to develop a regional agenda and a regional program of work to be fed into the World Conference as well as pursued independently.

There were several positive outcomes of both meetings. On the civil society side, the massive presence of civil society organizations should be highlighted. More than 1,700 people participated, giving birth to a strong regional movement to fight racism. The meetings also contributed to enhancing the dialogue among Afro-descendants throughout the region and bringing international attention to the challenges that they face. On the governmental side, the Regional PrepCom allowed decisive actions to be taken to fight racial discrimination in the region. For the first time, governments in the Americas accepted as a region that racial discrimination exists throughout the region and that it should be strongly combated. Another important outcome of the Regional PrepCom was the recognition of indigenous peoples as “peoples” and not as mere “populations,” as they had been called in all of the prior regional meetings. Finally, there was an important development regarding the controversial issue of reparations, as a majority of governments admitted the need for such measures.

II. CITIZEN'S CONFERENCE

BACKGROUND

NGOs, social justice groups, and civil society organizations in the region, whose activities are linked to the issues to be addressed by the UN World Conference against Racism, resolved to convene a *Conference of Citizens against Racism, Xenophobia, Intolerance and Discrimination*, complementary to and parallel with the Regional PrepCom for the Americas.

For this purpose, a Convening Council of the Conference of Citizens was established and was open to all organizations that wished to participate in the process. The convening of the Conference was appropriately representative, as the organizations that participated on the Convening Council reflected the thematic, ethnic, racial and gender diversity of the region's civil society. The Ideas Foundation of Chile was the Secretary General of the Citizen's Conference, which took place in Santiago, Chile on December 3-4, 2000.

The Citizen's Conference had, among others, the following objectives:

1. To encourage the active commitment of citizens, peoples and civil society organizations to the elimination of racism, xenophobia, discrimination and all forms of related intolerance in our societies.
2. To highlight the different situations that affect victims of racism, xenophobia, discrimination and related intolerance in the Americas, in particular those which affect Afro-descendants and indigenous peoples.
3. To propose strategies to achieve full and effective equality, as well as measures of prevention, reparation and compensation for racism, xenophobia, intolerance and discriminatory behavior.
4. To strengthen alliances and coalitions in the region among NGOs and other civil society organizations that fight for the construction of fair and equitable societies based on a culture of diversity and respect.
5. To influence the decisions that may be adopted by the World Conference against Racism and its preparatory events, in particular the Regional PrepCom for the Americas.

The original proposal of the Citizen's Conference was to divide the first day into caucuses (by social groups), with the goal of debating the content of the Conference's Final Declaration. The caucuses originally proposed were the following:

1. Afro-descendants
2. Indigenous peoples
3. Migrants and refugees
4. Displaced persons
5. Other ethnic groups
6. Related intolerance (other social groups)

The Afro-descendant caucus was subdivided into three regions (North America, Central America and the Caribbean, and South America). A similar proposal existed for the caucus of indigenous peoples, but the indigenous representatives decided that it was necessary in this forum to consolidate the work of indigenous groups. Therefore, they established one caucus for the whole hemisphere and worked together during the meetings of the Conference.

For the second day, it was proposed that the deliberations take place in the form of thematic commissions, with the goal of debating the content of the Conference's Plan of Action. The proposed thematic commissions were the following:

1. Gender, racism and discrimination
2. Access to justice and enforceability of rights
3. Democracy, globalization and social, economic and cultural rights.
4. Communication, education and the Internet
5. Land, environment and territory
6. Civil freedoms and civil and political rights

7. Civil society networks and international cooperation
8. Children, young people, older adults, racism and discrimination

On the first day, however, following a proposal by the International Human Rights Law Group, it was decided that in order to allow for deeper discussion, the caucuses would work during both days of the Conference and there would only be one document, the Final Declaration. On the second day, the thematic commissions that wished to convene meetings parallel to the caucuses could also discuss the Final Declaration.

FACTORS OF THE CONFERENCE AND THE RESULTING DYNAMICS

1. Massive presence and principal actors

One of the most noteworthy aspects of the Citizen's Conference was the massive presence of civil society. According to the official data kept by the organizers of the Conference, there were more than 1,700 people registered, with representation from every country of the hemisphere. The Chilean delegation was among the largest delegations, with more than 400 participants, most of whom were members of the Mapuche peoples. Of the delegations that traveled to Santiago, the Brazilian delegation stood out with more than 170 members, with impressive participation from the Brazilian Black Movement and in particular from Afro-Brazilian women. The United States, Uruguay and Canada were also represented by large delegations.

One of the common characteristics of the different delegations is that they were comprised of a wide range of groups. The Citizen's Conference and the Regional PrepCom represented the first time that the great majority of attendees had participated in an international conference within the framework of the United Nations.

The presence of indigenous peoples and Afro-descendants deserves particular emphasis. Representatives of indigenous peoples, in spite of the heterogeneity of their composition, showed a great coherence in their general statements with a clear identification of the principal points for collective assertion at the Citizen's Conference and the Regional PrepCom. Furthermore, they took a clear ideological position prior to the regional meetings, maintaining that the lack of acknowledgement of their status as peoples is a manifestation of racial discrimination.

For Afro-descendants, the Citizen's Conference and the Regional PrepCom represented the first opportunity in which they were principal actors as a regional group in the international arena. The Afro-Latin Americans in particular participated with a burgeoning collective identity that demonstrated enormous potential for bringing the fight against racism in their respective countries to the international arena. Undoubtedly, one of their biggest successes was heightening their visibility and that of the problems that they face throughout the entire hemisphere. In comparison with indigenous peoples, however, it is clear that the Afro-descendant movement has not developed a regional conceptual platform with assertions that are uniform throughout the region. The lack of international and regional forums where Afro-descendants of the Americas can jointly discuss their concerns and proposals works against the objective of formulating certain consensus points.

The migrant caucus and the women's caucus were very active throughout the entire Citizen's Conference. Both caucuses showed that their labor began long before the meeting in Santiago, which translated into a strong articulation of their positions and clarity in the distribution of tasks and responsibilities. Other actors who were very active during the Citizen's Conference and who were able to make their assertions reflected in the final document were the Roma, gays and lesbians, youth, persons with disabilities and Jews. Among the thematic groups, the group that worked on environmental racism was noted for being both articulate and effective.

In the Citizen's Conference, there was a noticeable absence of internationally recognized mainstream human rights organizations. Unlike other regional preparatory conferences and meetings where international as well as regional and national human rights organizations participated with a large and

highly visible delegation, in Santiago, the International Human Rights Law Group was the only “international human rights organization” that was visibly active.¹

2. Lessons learned

a. Organization

In order to analyze the concrete results of the Citizen’s Conference, it is essential to first take into account the time constraints that the Conference faced. All of the principal decisions, including format, structure, substantive themes of discussion, participants, and the granting of financial aid for participation, were made less than four months before the date of the Conference,² with the majority of them being made in the two months preceding the Conference. This situation produced a large measure of uncertainty, and coupled with contradictory information, made the preparatory process for the Citizen’s Conference challenging and made it difficult for NGOs to define their strategy for the Conference.

However, the organization of the Citizen’s Conference generally proved to be successful. There are two critical elements which converged to produce this success. In the first place, there was a strong structure at the national level, coordinated by the Ideas Foundation. The staff of the Ideas Foundation completely dedicated their time before, during and after the Conference. Additionally, there were a large number of volunteers during the Conference which allowed the Conference, with a presence of 1,700 people from more than 30 different countries, to function without any major problems. Efficient modes of communication with the Chilean government, an extensive network of contacts in Santiago, and the ability to communicate with organizations throughout the region, also proved to be important resources supported by the Ideas Foundation.

The second critical factor in the organization of the Conference was the formation of a Convening Council, where important organizations throughout the region were represented. While the Convening Council was not as active as it could have been, it proved to be fundamental to giving a regional rather than national perspective to the Conference and assuring that all sectors and sub-regions were able to contribute to its development.

The choice of the Diego Portales Convention Center, where the Regional PrepCom would also be held, for the location of the Citizen’s Conference, was a very apt choice in two ways. First, it allowed NGOs to familiarize themselves with the building, which would be key during the following days when the meeting of governments took place. Second, it concentrated participants within a defined area, which added to the possibilities for interaction among themselves and with governments.

Various reflections can be made in relation to the format of the Citizen’s Conference. The obvious point is that a rigid format, with predetermined schedules and little space for parallel activities, does not correspond well with the dynamics of a two-day conference involving exceedingly diverse NGOs from multiple countries throughout the hemisphere. The parallel activities, the subdivision of caucuses, the surge of new caucuses, and the informal meetings in the hallways and communal spaces, proved to be as rich as the planned activities. However, a certain structured program, with clarity about the objectives of the Conference and the desired outcomes and final documents, was useful in that it gave a certain coherence and sense of unity to the Conference.

b. Final Declaration

The drafting of the Final Declaration of the Citizen’s Conference proved to be one of the most demanding processes of the whole Conference. In the first place, the first draft of the Final Declaration was released

¹ The term human rights organizations refers in this case to internationally recognized mainstream human rights organizations. This does not discount the multitude of NGOs throughout the hemisphere that work for human rights.

² In fact, the proposal of the Citizen’s Conference was presented for the first time to a group of NGOs in the region as recently as the end of July.

only ten days before the Citizen's Conference and only in Spanish, in spite of the fact that English, Portuguese and French were also languages of the Conference. These circumstances meant that very few participants had access to the document before the Conference. Given the shortage of time in Santiago, it was agreed that the Conference would focus on preparing a Final Declaration, and that a separate Plan of Action would not be drafted. Approximately 30 people participated in the Final Document Drafting Committee, which was comprised of two representatives from each one of the caucuses and thematic commissions. This process, while proving to be very democratic, made the drafting of a coherent document very difficult. In the end, due to the limited time, the version of the Final Declaration read in the final plenary was only in Spanish.

c. Cross-regional dialogue

The primary goal of the NGO Forum was to provide a forum for a cross-regional dialogue within as well as among groups that are subjected to and working against racial discrimination. The exchange of experiences, the identification of common problems and proposals to solve them, and the creation of alliances are some of the objectives that cross-regional dialogue facilitates. The need for this type of dialogue was reflected, for instance, in the case of Afro-descendants who lacked an awareness and understanding of the realities faced by Afro-descendants in other countries. This lack of cross-regional and collective consciousness resulted in an absence of uniformity and consensus, which had the effect of weakening their positions.³

The original concept of the Citizen's Conference, however, worked against cross-regional dialogue among and within the different groups. The division in the caucuses according to social groups prevented a dialogue among the different groups (indigenous peoples, Afro-descendants, migrants, displaced persons and other ethnic groups). Additionally, the division of the caucus of Afro-descendants into sub-regions prevented a cross-regional dialogue within this group. Practically speaking, the only possibility for discussions across different groups and different sub-regions was in the Drafting Committee, the specific objective of which was limited to drafting the Final Declaration. The use of different languages both in the discussions as well as in the production of the Final Declaration also worked against cross-regional dialogue. The need for simultaneous translation during the discussions as well as sufficient secretariat support to produce documents in different languages simultaneously was strongly evident.

There were, despite these challenges, various unofficial initiatives to promote cross-regional dialogue. As has already been indicated, the indigenous peoples caucus decided to deliberate as a single caucus and not to divide into sub-regions. The Afro-descendants caucus also held a joint meeting to identify the themes, priorities and proposals of the different sub-regions. The indigenous and Afro-descendant representatives decided to hold a roundtable to coordinate their future activities. Parallel activities, such as the Roundtable on Race and Poverty that was organized by the International Human Rights Law Group, also facilitated this dialogue.

d. Funding

The massive presence of civil society organizations at the Citizen's Conference was made possible by the allocation of funding to a large number of participants. In particular, the Office of the High Commissioner for Human Rights, which provided funding for a significant number of representatives of civil society organizations and maintained an equilibrium of thematic, gender and geographical representation, assured that there was a diversity of participants in the Citizen's Conference. This aid was crucial since it was not limited to participation in the Citizen's Conference, but was also extended to the Regional PrepCom, which enabled participants to pursue significant work with governments as well.

The contribution made by some private funders, among which the Ford Foundation stands out, also helped this process. The Mott Foundation deserves mention as well, especially for its support of the Roundtable

³ For example, while for U.S. Afro-descendants the topics of reparations and affirmative action are two completely distinct measures which should not be treated jointly, for Afro-Brazilians, affirmative action is a form of reparation.

on Race and Poverty organized by the International Human Rights Law Group. Particularly important was the resulting division of aid through different processes, for example, channeling funds through the Ideas Foundation, the Inter-American Institute of Human Rights and through different national and regional organizations.

The selection process for groups that would receive financial aid from the Citizen's Conference was difficult, but was managed with a high level of professionalism. The creation of a Scholarship Committee, in which there was a clear equilibrium in the representation of main actors and groups in the region, as well as the establishment of clear selection criteria, greatly added to the legitimacy of this process. The main problem with the selection process is that the selections were made with very little notice and some beneficiaries received confirmation that they would receive financial aid only a week before the Conference.

A point of particular importance is that all recipients of financial aid from the Ideas Foundation, the Office of the High Commissioner for Human Rights and the Inter-American Institute of Human Rights obtained at the same time accreditation to participate in the Regional PrepCom. This mechanism was exceedingly useful in that it facilitated the work of NGOs with governments in the region.

III. REGIONAL PREPCOM

The *Americas Preparatory Conference Against Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance* (hereinafter “Regional PrepCom”) was held December 4-7, 2000, at the Diego Portales Convention Center in Santiago, Chile.

The Bureau for the Conference was composed of a President (Chile), six Vice-Presidents (Barbados, Brazil, Canada, Costa Rica, Ecuador and Peru) and a General Rapporteur (Guatemala). The Conference was divided into two commissions which met in a parallel manner: the Plenary and the Drafting Committee. The Drafting Committee was subdivided into two groups: one debated the Final Declaration and the other discussed the Plan of Action.

1. Issues

A number of issues were discussed during the Regional PrepCom, including slavery and colonialism, reparations, victims of racism and racial discrimination, globalization, poverty, gender and race, and indigenous peoples’ issues. The following are brief highlights of some of the discussions.

a. Slavery and colonialism

The legacy of slavery and colonialism was the subject of much discussion, and throughout the preparations for the World Conference, governments were divided on this issue. Some States maintained that the World Conference should concentrate exclusively on present forms of racism and racial discrimination. Other States, however, maintained that even though the Conference should concentrate on contemporary manifestations of racism and racial discrimination, it is essential to analyze the history of colonial and slave-holding regimes. These States asserted that examining the legacy of slavery and colonialism was necessary for addressing contemporary forms and causes of racism.

The Final Declaration of the Regional PrepCom makes important references to slavery and colonialism. In paragraph 3 of the Final Declaration, governments “recognize and admit that conquest, colonialism, slavery and other forms of servitude were a source of racism, racial discrimination, xenophobia and related intolerance in the Americas, and condemn the injustices that were committed, especially against indigenous peoples and Africans and their descendants. The political, socio-economic and cultural structures imposed in the context of those processes permitted and encouraged racism, racial discrimination, xenophobia and related intolerance.” The Conference repudiated the injustices committed during that era and indicated that its effects “persist in many of our societies and are a source of systematic discrimination that still affects large sectors of the population” (para. 3). Reaffirming these principles, in the section dedicated to Afro-descendants, the Regional PrepCom recognizes that “the legacy of slavery has contributed to perpetuating racism, racial discrimination, xenophobia and related intolerance against people of African descent throughout the region” and finds it “at the root of the situations of profound social and economic inequality” which continue to affect them (para. 28). In paragraph 4, governments go a step further and “[r]epudiate the brutal crimes and injustices that were committed against indigenous peoples and Africans and their descendants who were subjected to slavery, the transatlantic slave trade and other forms of servitude that today could constitute crimes against humanity.”

Thus, the Final Declaration of the Regional PrepCom affirms that slavery, the transatlantic slave trade and other forms of servitude could today constitute crimes against humanity (para. 4) and crimes under international law (para. 70).

b. Reparations

The issue of reparations, or its most debated form, compensatory measures, has generated the greatest amount of discussion and controversy in the preparatory process of the World Conference. When the themes on the agenda for the World Conference were being defined in the first global PrepCom in May of 2000 in Geneva, the term “compensatory measures” was the only one that remained in brackets, showing the deep differences in opinion that existed between the position of the United States and European

countries who argued that the term should not be included on the agenda, and other States that contested that it should.

In this sense, the Regional PrepCom for the Americas represents progress as references to reparations are included in different parts of the final documents. Above all, States affirmed that “it is the legal duty of States to carry out exhaustive, timely and impartial investigations of all acts of racism, racial discrimination, xenophobia or related intolerance, to penalize those responsible according to the law and to secure prompt and fair reparation for the victims” (para. 68).

The most debated point in Santiago was not that of reparation for individual acts of discrimination, but rather for the vestiges of slavery. In an important step forward, the PrepCom acknowledged that the centuries of enslavement and servitude of Africans and their descendants and of the indigenous peoples of the Americas “have resulted in substantial and lasting economic, political and cultural damage to these peoples, and that justice now requires that substantial national and international efforts be made to repair such damage. Such reparation should be in the form of policies, programmes and measures to be adopted by the States which benefited materially from these practices, and designed to rectify the economic, cultural and political damage which has been inflicted on the affected communities and peoples” (para. 70).

c. Victims

One of the five items on the agenda of the World Conference is to identify who are the victims⁴ of racism, racial discrimination, xenophobia and related intolerance.

In the preparations for Santiago, the debate about this issue involved a methodological discussion with substantive implications about whether it was necessary to have a document which devoted chapters to certain identified groups who are most discriminated against, or whether the document should speak generally about the situation of racial discrimination in the hemisphere and only mention the situations of a particular group when there are significant differences. The United States held the first position: that there should be specific chapters for each group. It justified this position by stating that this methodology would give the greatest visibility to groups that have traditionally been discriminated against, which is one of objectives of the World Conference. The States which were opposed to this position argued that a document divided by groups would have two serious consequences. First, it would imply a hierarchy among different groups. Second, the final document would be less coherent if it were divided into groups before addressing the general themes and phenomena that affect the entire region.

The position of dividing the document according to victim groups prevailed. The three groups which received a section with particular treatment were indigenous peoples, Afro-descendants and migrants.

The references in five paragraphs to the *mestizo* population was perceived as a serious setback by indigenous groups as well as by Afro-descendants. Traditionally, Latin American countries have viewed or portrayed themselves as a region that is significantly *mestizo* or “mixed-race” and allegedly free of prejudice and racial discrimination. Presumably, if the population is comprised largely of *mestizos*, then there are no racial distinctions and mere discussion of racism is therefore viewed as a foreign or non-regional issue. The denial of any racial distinctions within the population of a given country obscures the reality in Latin America that a person’s skin color is a decisive factor in determining opportunities to succeed in society.

There is a later section of the document devoted to what is termed “other victims of racism,” in which *mestizos*, refugees, internally displaced persons, Jews, Arabs and Muslims, the Roma, and persons of Asian descent are identified. After the description of the different groups that are discriminated against, there is a section about the victims of aggravated or multiple discrimination, including women, children, those with HIV/AIDS, and the poor.

⁴ There was a discussion about the use of the terms “victims” and “vulnerable groups” because of their passive connotations. Finally, the Regional PrepCom opted to use the term victims because this is the term used in the official themes of the World Conference.

d. Globalization

States also took contradictory positions on globalization. A number of States maintained that globalization exacerbated disparities among countries and within countries. Some States focused on the neoliberal economic model and the economic inequalities that it produced, while others pointed out the negative effects that a globalized cultural model has on the cultures of indigenous peoples in particular. Other States maintained that globalization offered opportunities for economic development and trade, increased global communications, and improved the situations of groups that have traditionally been marginalized.

The Final Declaration reflects these tensions. It recognizes that globalization presents “challenges and opportunities” for the struggle to eradicate racism, racial discrimination, xenophobia and intolerance (preamble). It also expresses the determination of States in the region to “prevent and mitigate the negative effects of globalization” as well as to “maximize the benefits of globalization” (para. 10).

e. Poverty

The intersection of poverty and race constituted one of the central points of the Regional PrepCom, beginning with the first drafts of the Final Declaration. The debate centered around a few key questions: How are racism and poverty linked? To what extent is racism a cause of poverty? Are the conditions of poverty made worse and further perpetuated by racism? Does poverty lead to racism? A government’s answers to these questions will determine its policy towards race and poverty. The governments at the Regional PrepCom chose to emphasize that poverty is linked to racism primarily in the sense that racism worsens the already marginalizing impacts of poverty. Governments were reluctant, however, to state that racism is a causal factor of poverty. The potential implication of this is that anti-poverty programs may not acknowledge the role that racism plays in putting people in poverty in the first place.

The discussion also addressed how poverty should be referenced in the central documents. While some governments argued that poverty was the central question in the region, others postulated that racism, racial discrimination, xenophobia and intolerance were the central issues and it was only necessary to make a tangential reference to poverty.

The Final Declaration reflects the compromise position reached. The document recognizes that the manifestations of racism, racial discrimination, xenophobia and intolerance are aggravated by socioeconomic status (preamble); that poverty is frequently linked with racism, racial discrimination, xenophobia and intolerance and that these practices aggravate the conditions of poverty, marginality and social exclusion (para. 5); that in many countries the sectors with the highest indices of poverty and with the lowest social indicators in the areas of education, employment, health, housing, infant mortality and life expectancy coincide with indigenous peoples, Afro-descendants and migrants (para. 15); that the victims of acts of racial discrimination in the past are found in the poorest sectors of States (para. 13); and that there is a strong correlation between poverty and racism, racial discrimination, xenophobia and intolerance (para. 59).

f. Gender and race

The issue of the intersection of gender and race received a great deal of attention during the Regional PrepCom. The Drafting Committee noted that not only would it include specific references to the issue in the Final Declaration and Plan of Action, but also that the entire document would contain a gender perspective. The Final Declaration contains, from the preamble onward, a recognition that the manifestations of racism, racial discrimination, xenophobia and intolerance are made worse by other factors, including gender (preamble); that there are persons that suffer multiple forms of discrimination, including for reasons of their gender and race; that “special attention should be given to the elaboration of strategies, policies and programmes, which may include affirmative action, for those persons who may be the victims of multiple forms of discrimination” (para. 51); and that “racism, racial discrimination, and xenophobia reveal themselves in a differentiated manner for women” (para. 53). Governments also recognized the “need to integrate a gender perspective in programmes of action against racism, racial discrimination, xenophobia and related forms of intolerance, in order to address the phenomenon of

multiple discrimination against women” (para. 52). In addition, it was noted that migrants find themselves in vulnerable situations because of their gender, among other things (para. 37).

g. Indigenous peoples

Perhaps the most substantive advance in the Final Declaration of the Regional PrepCom was the use of the term indigenous “peoples,” as opposed to “people” or “populations.” However, a clarification was added to limit the reach of this term, similar to that used in ILO Convention No. 169, which denies any implications for the self-determination of indigenous peoples. States which traditionally had been opposed to the use of the term “peoples” in the framework of the United Nations and in the OAS, set aside their objections, although with the aforementioned limitation.

Not all of the goals of the indigenous peoples were reflected in the Final Declaration. Despite recognizing their special relationship with the land (para. 20) and noting that there are efforts to universally recognize the right of indigenous peoples to manage their own lands and natural resources (para. 23), the Final Declaration does not include a clear statement about protection of their traditional lands and territories, nor does it include a categorical recognition of the collective rights of indigenous peoples.

h. Other issues

Some themes which appeared in the Regional PrepCom’s Final Declaration deserve mention as they indicate important changes in the official position of many States in the region. There are clear recognitions that the history of the hemisphere has been frequently characterized by racism, racial discrimination, xenophobia and intolerance, that these phenomena persist in the region (preamble) and that the denial of the existence of these phenomena on the part of States and societies directly or indirectly contributes to their perpetuation (para. 2). There is also a positive call for censuses and other compilations of statistics to include ethnic or racial criteria in order to give visibility to different sectors of the population (para. 18).

i. Some gaps

Among the gaps in the Final Declaration are that there are virtually no references to the role of transnational corporations in the perpetuation or aggravation of racism, racial discrimination, xenophobia and intolerance; that there are only limited references to the role of international financial institutions; and that there are very few references to discrimination in crucial sectors of society such as the labor market and educational institutions.

2. State delegations

The following UN member states participated in the Regional PrepCom for the Americas: Antigua and Barbuda, Argentina, Bahamas, Barbados, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Peru, United States, Uruguay and Venezuela.

This section briefly highlights some perspectives of a few of the participating government delegations. It is worth noting that the United States and Canada participated jointly with the countries of Latin America and the Caribbean for the first time within the framework of the preparatory process for a World Conference. The presence of these two countries affected the dynamics of the Regional PrepCom in important ways. It was generally a positive development that for these purposes, North America was grouped with the Americas, as opposed to with Western Europe as it usually is. Nevertheless, on key issues such as reparations, globalization, and the legacy of colonialism and slavery, there was a clear alignment of Caribbean and Latin American countries supporting more progressive positions than the United States and Canada.

a. United States

The government delegation from the United States was probably the largest and one of the most active at the Regional PrepCom. Its official position was that it would not accept any compromise in the Final Declaration or Plan of Action that would go further than U.S. domestic laws. The United States strongly opposed issues such as criminalizing racist speech, regulating the Internet, considering slavery and the treatment of slaves as crimes against humanity, and criticizing globalization as an instrument of racial discrimination. On the subject of reparations, the United States only accepted the proposal that dialogue be initiated at the national and international levels to determine the content and necessity of reparations. With respect to indigenous peoples, the United States accepted the use of the term “peoples” provided that it contain a limitation indicating that this did not imply any recognition of the right to self-determination.

Among the positive aspects of the United States delegation, it is worth mentioning that daily briefings were held with NGOs from the U. S. to inform them of the intergovernmental debates and the positions taken by the governments. With respect to the substantive themes, the United States supported stronger language on the subject of the role of education in the fight against racism, references to racial discrimination in the criminal justice system, the need for collecting and compiling statistics that are disaggregated according to ethnicity and race, as well as a condemnation of anti-Semitism in the region.

b. Canada

In general, the participation of Canada coincided with the work of the United States. The only aspect in which the Canadian government delegation apparently adopted a stronger and less progressive position than that held by the United States was on the issue of the legacy of colonialism. On that subject, Canada completely opposed any mention of this issue.

However, the Canadian delegation did insist that the Final Declaration and Plan of Action include sufficient references to the important role that NGOs and civil society play in the fight against racism, racial discrimination, xenophobia and related intolerance.

c. Brazil

The members of the Brazilian government delegation demonstrated their activism and their openness to Brazilian civil society organizations during the Regional PrepCom. It bears remembering that in May of 2000, during the first global PrepCom in Geneva, the government delegation and the Afro-Brazilian organizations had a serious confrontation due to the government’s decision not to organize the regional conference. In the view of many Afro-Brazilians, the situation in Santiago was completely different, with important Afro-Brazilian figures being part of the official delegation and with the government delegates constantly consulting with the Afro-Brazilian organizations and being open to their suggestions. The change of attitude should be attributed, among other things, to the work done by Afro-Brazilian organizations in the months prior to the Regional PrepCom.

In substantive matters, it deserves mention that the Brazilian government was one of the most ardent proponents of having the Final Declaration and Plan of Action contain categorical language in reference to Afro-descendants.

d. Barbados

One of the high points in Santiago was the level of activism and vanguard positions taken by the government delegation from Barbados. In particular, the delegation advanced all of the issues related to slavery and colonialism and their contemporary legacies, as well as the need to establish specific mechanisms for reparations both within countries and among States. The Barbados delegation also launched the recognition of Caribbean societies as a model of integration for multiracial societies.

e. Cuba

In contrast to their participation in the first global PrepCom in May 2000, the Cuban government delegation was not very active in Santiago. While it supported the majority of the more progressive initiatives presented, it did not take on a leadership role. Among the issues which Cuba strongly supported were the condemnation of slavery and colonialism as crimes against humanity, the critique of the effects of globalization, and the affirmation of the close relationship between poverty and racism. One of the issues that the Cuban delegation actively pushed was the criminalization of racist speech and regulation of the Internet. The U.S. delegation clashed with the Cuban delegation on these points, with the United States maintaining that it could not accept those proposals as it is bound by the First Amendment of the U. S. Constitution, which protects freedom of expression.

f. Guatemala

Guatemala played an active role in the Santiago meeting. Not only did it act as the General Rapporteur of the Regional PrepCom, it was also the coordinator of an informal working group charged with discussing how the issues of slavery, colonialism and their present legacies would be treated. Guatemala also adopted an advanced position with respect to the rights of indigenous peoples.

g. Mexico

The principal theme on which the Mexican government delegation worked was the question of migrants. It was the coordinator of a working group on migrants, which reached a consensus on positions and language, despite having to address difficult issues such as xenophobia, the economic costs and contributions of migration, and the need for reforming discriminatory migration laws.

h. Other States

It is also worth mentioning that Peru insisted that the Final Declaration include specific references to the situation of mestizos. Uruguay, though not in a completely consistent way, defended the positions promoted by the Afro-Latino organizations. Costa Rica and Colombia were open in general to the suggestions of civil society organizations and maintained very progressive positions on issues such as the condemnation of slavery as a crime against humanity. Argentina, however, maintained a highly passive position and only promoted the inclusion of anti-Semitism in the Final Declaration.

3. NGOs at the PrepCom

Generally speaking, NGOs had sufficient opportunities for participation in the Regional PrepCom. However, the possibility of NGOs having a level of participation equal to that of the governments, like the level of participation the NGOs had at the European Regional PrepCom, was neither achieved nor even discussed. There were a number of instances in which the participation of NGOs was limited in Santiago.

The request for NGOs to be allowed to intervene in the Drafting Committee, where the most important political debates among governmental delegations developed, was not approved. This led representatives of civil society organizations, primarily the indigenous leaders, to leave the Plenary when Chilean President Ricardo Lagos addressed the PrepCom.

In the inaugural session of the Regional PrepCom, Francisco Estevez of the Ideas Foundation was allowed to make a presentation summarizing the debates and conclusions of the Citizen's Conference. This was an exceedingly positive act as it informed governments of the proposals of civil society organizations. Civil society organizations were authorized to make oral interventions in the Plenary and more than 100 organizations took advantage of this opportunity.

The organizations could, in principle, attend all of the Drafting Committee's deliberations. However, due to physical space limitations, they were not always able to remain in the room where the debates took place. Access to the documents that were being discussed was never simple. On the one hand, because

they were working in “real time,” many of the proposals were presented and discussed at the same time and there were only manuscript versions of them. On the other hand, when these proposals were reproduced, on several occasions there were not enough copies made for all of the organizations who needed them. There was also an occasion in which the Secretary General of the Conference indicated that copies would be distributed only among governmental representatives.

4. Lessons learned for NGOs

a. Defining priorities and positions

It was very clear in Santiago that those organizations and groups that had clearly identified their priorities, positions and proposals were the most effective in dialogues with governments. In contrast, those organizations which arrived in Santiago without a clear agenda or only with the intention of spreading information about the general situation of their community, country or region, did not have a significant impact on the final results of the Regional PrepCom. The dynamics of those two types of roles were also apparent in how groups located themselves. Those persons and organizations with clear points to propose for incorporation into the final documents were found in the rooms in which the Final Declaration and Plan of Action were debated. There, they continuously interacted with the governmental delegations and were able to influence the specific language that was discussed. Those persons and organizations without a precise objective were found, in contrast, in the plenary meeting room, where numerous NGOs made oral presentations although practically no government delegates were present.

At many times it was clear that most of the organizations present at the PrepCom did not have clear language alternatives to propose to governments. While there was clarity as to the crucial issues that should be reflected in the final documents, many groups lacked concrete proposals about what they should specifically say.

The example of the Roma delegates illustrates this point. Despite the fact that there were only two representatives, they had an exceedingly clear objective – to have the Final Declaration mention the discrimination that the Roma suffer. To that end, they prepared a specific text and spoke with various government representatives until one government delegation presented the text that the rest of the delegations supported. They also dialogued with NGOs that were active in the PrepCom to solicit their support and solidarity and in particular to facilitate their access to some governmental delegations with which they had not had contact. The Final Declaration contains the language proposed by the Roma, despite the fact that none of the original draft declarations contained a specific reference to the Roma.

b. Having access to the documents

The efficacy of lobbying governments in Santiago was completely conditioned on the availability of the documents that were being discussed. Access to the documents allows one to know the issues that are being addressed, the specific language that is being used, the points on which there is no consensus, as well as the issues that have not yet been considered.

The document that was debated in Santiago was the product of previous work that began several months prior in Geneva. Many times, in particular when consensus is reached on complex issues in previous deliberations, governments are very reluctant to change the language during the conference, in order to not threaten the fragile consensus. Therefore, access to draft documents should not be limited to the time of the conference itself, but should begin with the first drafts, when there are greater possibilities for influencing the general tone, structure and themes of the document.

Contact with the Conference’s organizers as well as with friendly government delegations helped in obtaining the most recent versions of the documents, which allowed some organizations to immediately position themselves in relation to the issues that interested them.

Another issue which should not be overlooked is that the documents that were being debated and modified were prepared in only one language. This is the case in many United Nations conferences, the difference

being that for the Americas Regional PrepCom, the documents were in Spanish and not in English. This meant that many organizations from the United States and Canada were not able to do their lobbying work effectively. While Latin American NGOs know that at United Nations events they should be prepared to encounter documents in other languages, not all of the English-speaking delegations were prepared for this.

c. Building relationships with Governments

The Americas Regional PrepCom demonstrated that the effectiveness of work with governments depends on establishing relationships prior to the actual Conference. The changes in the Brazilian and United States government's positions on certain issues, and the role that the delegations from countries such as Colombia, Costa Rica, the Dominican Republic and Uruguay played in certain debates, are reflections of previous lobbying with these governments by various organizations in the months leading up to Santiago.

As was indicated earlier, the governments started discussing the draft documents long before the PrepCom. The positions that they adopt in the Conference on key issues are generally previously decided. It is fundamental, therefore, that NGOs work with governments long before the Conference itself.

Personal knowledge of individual government delegates also facilitated the lobbying efforts of NGOs at the PrepCom. It is therefore important to know beforehand who will make up the government delegation and obtain meetings with those people. It is also important that governments instruct their delegates to be open to the suggestions of civil society organizations to the extent possible. Organizations took two different approaches in relating to the governments at the PrepCom. There were those that opted to utilize the forums to discuss with their governments internal or domestic problems which do not necessarily affect the documents of the PrepCom. In contrast, other organizations opted to focus on discussing with their governments the specific points of the Final Declaration and Plan of Action. As emphasized, a focused strategy, including clear objectives and priorities, inevitably led to more successful advocacy by NGOs.

IV. RECOMMENDATIONS

TO NGOs:

Define objectives ahead of time.

- ✓ Be well informed about the agenda and the issues of the meeting.

Develop your strategy for getting to the meeting.

- ✓ Decide how many representatives your organization would like to send.
- ✓ Decide who has the relevant interests, skills (including language skills) and experience (including lobbying experience) to represent your organization effectively.
- ✓ Start identifying and applying for funding as soon as possible. Sources may include governments, foreign ministries, private institutions, foundations and corporations.
- ✓ Identify other NGOs in your area that are planning to participate in the meeting. Collaborate with them to raise the necessary funds to send representatives.

Obtain the necessary accreditation.

- ✓ Inquire about accreditation procedures and requirements well in advance.
- ✓ Apply for accreditation to the meeting as early as possible.
- ✓ Keep current on any changes or updates regarding the accreditation process.

Collect the necessary information.

- ✓ Collect the documentation that is made available through the Conference Secretariat.
- ✓ Regularly check the World Conference against Racism website for updates. (www.unhchr.ch/html/racism/index.htm)
- ✓ Request Law Group publications on the World Conference: *Report on the Bellagio Consultation* and *Combating Racism Together: A Guide to the UN World Conference Against Racism*.
- ✓ Regularly check the International Human Rights Law Group website (www.HRLawGroup.org) and other NGO websites on the World Conference for updates.
- ✓ Subscribe to the listserve of the NGO Liaison for the World Conference, Laurie S. Wiseberg (Lwiseberg.hchr@unog.ch).

Start building coalitions with other NGOs.

- ✓ Contact other NGOs in your area, country and region about their priorities and preparations for the meeting.
- ✓ Collaborate with NGOs that are working on similar issues, including NGOs that will not be able to send representatives to the meeting. Joint preparations can help generate political momentum, add impact to your statements, and avoid unnecessary duplication of work.
- ✓ Be aware that actually attending the meeting is only one way to influence the outcome of the meeting. The networks and coalitions you build at this stage will be very useful to your work before, during and after the meeting.

Develop your strategy for influencing the meeting.

- ✓ Collect information, data, case studies, research and other materials on the issues that are important to your organization and that you wish to highlight at the meeting.
- ✓ Prepare position papers that clearly state your organization's views and proposals for action by governments and the UN system. The position papers should be brief and well written.
- ✓ Review draft documents to be debated at the meeting and prepare clear language alternatives or statements you would like to have included in the documents.

- ✓ Circulate your position papers and your proposals for specific language to relevant government representatives and to the Conference Secretariat.
- ✓ Circulate your position papers and your proposals for specific language to other NGOs both within and outside your area, country and region.
- ✓ Use the media to publicize your organization's work, views and preparations for the meeting. Writing press releases, making contacts with journalists, and undertaking other media and outreach activities can help mobilize public support and government attention to your positions.

Lobby Governments

- ✓ Identify government delegates who are sympathetic to your views and issues and are willing to work collaboratively.
- ✓ Also be sure to identify and interact with delegates whose views vary from yours, because (a) the discussions may help you refine your own arguments, and (b) your efforts to educate and persuade may eventually succeed.
- ✓ Work in solidarity with other NGOs so that you can mutually support each other's agenda, proposals and positions.
- ✓ Carefully follow the statements made and positions taken by your government and other delegations, particularly with respect to the draft documents.

TO THE ORGANIZERS OF THE UPCOMING NGO FORUMS:

Provide accurate and timely information.

- ✓ Regularly update information posted on your website.
- ✓ Consider posting draft documents on your website.
- ✓ Consider establishing an information liaison officer.

Provide simultaneous translation.

- ✓ Simultaneous translation in the major languages being used by the participants is crucial to allow for a genuine dialogue among the different participants.
- ✓ The documents of the NGO Forum should be available in different languages at the same time.

Selection of the location and facilities.

- ✓ The building for the NGO Forum should be the same as that of the government meeting, or at the very least, a building nearby.
- ✓ Arrangements should be made to provide NGOs with access to basic office facilities, including computers, printers, copiers and access to the Internet.

Define the format of the NGO Forum.

- ✓ The format should allow for a genuine cross-regional dialogue.
- ✓ The NGO Forum should have both defined activities and space for informal meetings.

Select a strong and representative national and international convening committee.

- ✓ There should be sub-regional, thematic and gender diversity on the committee.
- ✓ Scholarships should be made available to provide timely support to under-resourced organizations and groups.
- ✓ Accreditation to the NGO Forum and government meeting should be given at the same time that a scholarship is awarded.

TO THE GOVERNMENTS AND UN SECRETARIAT:

Facilitate the participation of NGOs in the World Conference.

- ✓ Allow NGOs to make oral interventions in the drafting committee.
- ✓ Facilitate NGOs' access to all the official documents.
- ✓ Facilitate NGOs' access to rooms where the official meetings are taking place.
- ✓ Hold regularly briefings before, during and after the Conference in which NGOs can interact with government delegates from their country.
- ✓ Support the efforts of the Office of the High Commissioner for Human Rights to raise funds for NGOs to participate in the World Conference
- ✓ Increase contributions to the voluntary fund for the World Conference.

Attachment

PRINCIPLES/COMMITMENTS ON RACE AND POVERTY
NGO Roundtable on Race and Poverty
Regional Preparatory Meeting for the Americas
Santiago de Chile, 3-7 December 2000

- The World Conference should recognize that racial discrimination has high economic costs for all countries and for the global economy generally and that all individuals and communities have a right to a decent standard of living and to pursue their livelihood without compromising their cultural, religious and other identities;
- States should affirm that globalization and economic growth has in some cases resulted in the worsening of the economic, social and cultural conditions of the most vulnerable groups, with negative consequences on poverty and social exclusion, thereby heightening inequality among and within States, increasing pressure to migrate, and impeding efforts to fight racism and racial discrimination;
- States should recognize that the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, and other international standards, affirm that affirmative action and the evaluation of the impact of policies on racial equality, for men and women, are required in order to address past and present discrimination, create truly equal opportunity, and promote full participation inclusive of the diverse populations, in the economic, political, civil, social, and cultural life of all nations;
- The World Conference should recognize that for centuries, wealth (e.g. concentration of land, political power, education, employment) were accumulated or appropriated through coercive political, social and economic means which have disproportionately benefited the descendants of white Europeans and that States should take concerted action to curtail this privilege in order to reach the goal of equality for all;
- States, international development and financial institutions should recognize and document the intersection between racial discrimination, gender discrimination and poverty and take into account differential impacts in developing appropriate remedies. States should further recognize that as the primary caretakers of families, women are disproportionately subject to the effects of racially discriminatory social and economic policies, including those which directly affect children (e.g. in education) and the elderly;
- The regional meeting of the Americas should recognize that throughout the Americas racism afflicts people with racial and ethnic origins from around the world, including Asia, the Pacific Islands, and Africa as well as indigenous peoples;
- States should collect, compile and publicly disseminate in multiple languages data disaggregated by race, color, nationality, ethnicity, sex, age, language, and other factors as appropriate, in order to review public policies for racially discriminatory effects by monitoring and comparing the social and economic conditions of communities with respect to public service delivery, health, housing, education, employment and other relevant areas;
- States should agree to fulfill their legal obligations to ensure that all persons in their jurisdiction receive effective remedies for historic, group-based acts of discrimination which may take the form of restitution, compensation, indemnification, rehabilitation or satisfaction;
- States should implement specific programs to ensure that all individuals, including migrants and regardless of race and language ability, are aware of their social, economic, civil and political rights and have full access to their enforcement and realization;
- States should guarantee that development and public policies at local, regional and national levels should be created in effective consultation at early stages with marginalized communities, particularly indigenous people and people of African descent, taking into account the impact of unequal access to education,

- language abilities and so forth, on the capacities of certain communities to participate in dialogue with policy-makers;
- States should recognize that “the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized” (Declaration on the Right to Development);
 - The World Conference should call for the cancellation of debt for developing countries, requiring governments to apply released funds to programs which address conditions caused by racial discrimination;
 - The World Conference should recognize that governments should provide effective protections for the intellectual and cultural properties of indigenous peoples and African descendants;
 - States should recognize the nexus between racism and the denial of self-determination and take all necessary steps to uphold the right to self-determination, including the adoption of the Declaration of Indigenous Rights, to ensure that indigenous peoples are afforded all rights due to them as a “peoples” and that development policies are created with respect to cultural integrity;
 - States should enact legislation, including special measures, to recognize, demarcate and protect the lands, territories and resources of indigenous peoples and further ensure their right to continue their hunting and fishing lifestyle and land-based cultures. Such legislation must recognize indigenous peoples’ inherent right to self-determination, traditional practices and law of land tenure based on common ownership and use, and must be developed only with the participation and free consent of the indigenous peoples concerned;
 - The International Labor Organization and international development and financial institutions should agree to work with regional bodies such as the Inter-American Commission on Human Rights to develop a code of conduct to be adopted by transnational corporations with respect to work-force and labor migration issues that generate persistent patterns of racial discrimination;
 - International development and financial institutions should regularly monitor, and report on, funded programs for their racial impact and equal participation of racial and ethnic groups, suspending programs on evidence of racial discrimination, indirect or direct;
 - States should agree to work with the private sector, non-governmental organizations and other States to promote investment and create more living-wage jobs in impoverished or under-developed local urban and rural communities and implement enforceable codes of conduct providing protection from racial discrimination in private economic enterprise necessary for economic development, such as private lending;
 - States should uphold the fundamental human rights of workers (documented and undocumented) to organize and to improve their wages, benefits and working conditions, and should provide legal protection to all migrants (documented or undocumented) against deportation for reporting the abuse of their rights, implementing the relevant articles of international human rights treaties in relation to the right to work under just and favorable conditions, equal pay for equal work the right to fair wages and a life free from slavery, servitude and enforced labor;
 - States should guarantee equal access to all levels of education, regardless of legal immigration status, and recognize that without education the realization of all other rights is impeded;
 - The World Conference should recognize that globally racism is a major health determinant for African descendants, indigenous peoples and members of other racial groups which results in these communities receiving lower standards of healthcare and higher rates of illness and disease, sometimes with disproportionately fatal consequences.