

origin. Based on the above principles, we have been fighting against various forms of discrimination based on race and other reasons in Japan, which include; the people of Dowa regions, who have been historically discriminated; the Ainu people, who have maintained their ethnic identity; Korean residents, the majority of whom came to reside in Japan during 36 years of Japan's rule. Improvement has been certainly seen, but discriminatory attitudes toward those people still exist among individuals in daily life. A gender-equal society is another goal to be achieved.

In addition, there are reported incidents of human rights violation against foreigners among individuals including discriminatory treatment, often due to the difference in language and culture and lack of mutual understanding. Recognizing the urgent need for solutions, Japan has been striving to break a vicious circle of prejudice, discrimination and poverty through legislative and administrative measures. Human rights education and awareness-raising campaigns are particularly important in eliminating prejudice. Social and grassroots activities by NGOs also play an important role in this connection.

The Government of Japan is making efforts to develop measures on remedies for those who are discriminated based on various grounds. The Government intends to take additional remedial measures for Hansen's disease patients who have experienced extremely severe prejudice and discrimination. On the institutional level, a proposal to establish an independent Human Rights Committee in Japan is being discussed to provide relief measures with effective investigatory procedure and remedial methods.

Madam President,

On this auspicious occasion, I hereby declare that the Japanese Government is firmly resolved to fight against discrimination and to continue to make efforts to achieve a society in which each person is respected as an individual and can fully realize his or her own human potential. These efforts are not limited to Japan, but should be extended to the rest of the world. Japan attaches great importance to the concept of human security in eliminating discrimination from the world. This concept was developed to deal with the difficulties confronting the vulnerable in an increasingly globalized world from the viewpoint of ensuring the survival and dignity of individuals wherever they live. The fight against racism and discrimination, I believe, requires this human-centered approach. We should feel the pain and alleviate the suffering of those who are discriminated, and ensure that they can pursue their lives with dignity and free from fear and want. From the viewpoint of enhancing human security, Japan is committed to intensify its efforts to fight against discrimination through cooperation with other states, international organizations, and every member of the civil society.

Most cruel form of human rights violation and discrimination has been experienced by people during conflicts instigated by racial and ethnic animosities. In the face of the enormous devastation and violence, reconciliation is easy to say but hard to achieve. I believe that coexistence and tolerance will be clues toward the global peace and prosperity. We should endeavor to accept those who are different from us,

respect difference, and live together in harmony. Then eventually, reconciliation will be achieved. To this goal, every one of us should ask ourselves critically whether we are truly free from any sentiment of discrimination. The way ahead of us is far and difficult. With solid conviction and through promoting mutual understanding, we shall overcome the evil of discrimination and create a truly coexistent society which tolerates and respects difference and diversity.

Thank you very much.

독일

GERMANY

Speech by

JOSCHKA FISCHER

Minister of Foreign Affairs of the Federal Republic of Germany

Madam Chair, / Ladies and Gentlemen,

Firstly I should like to congratulate you, Madam Chair, on your election as chairperson of this conference. I should also like to thank the High Commissioner for Human Rights, Mary Robinson, and Ambassador Diallo very much for their resolute commitment in the difficult run-up to this meeting. I also extend my thanks to our host, the South African Government. South Africa has succeeded in liberating itself peacefully and by its own energies from a dictatorship based on racism and in finding its way to a more just society. The courage the South Africans have shown in reaching out to each other despite all the scars of the past should be an incentive for us at this conference.

Racism and xenophobia have led humanity into the darkest depths, into mass slavery and colonialism, the eradication of entire populations on several continents, or in more recent times the mass murders in Rwanda and Burundi. The 20th century's most terrible crime of all, however, took place in my country: the genocide of six million European Jews, of Roma and Sinti. The memory of this act, which can in no way be relativized, and the responsibility deriving from it will lastingly shape Germany's policy. Germany therefore cannot accept the trivialization, relativization or even denial of the Holocaust, and it will resolutely counter any such attempts.

At this conference we must begin with the past. In many parts of the world the pain of the persisting consequences of slavery and colonial exploitation still sits deep. Past injustice cannot be undone. But to recognize guilt, assume responsibility and face up to historical obligations may at least give back to the victims and their descendants the dignity of which they were robbed. I should therefore like to do that here and now on behalf of the Federal Republic of Germany. Our historical responsibility in particular, but also the universal principles of humanity and justice therefore demand of Europe today a special solidarity

with the developing countries. Our prime goal in this regard must be to help them overcome poverty and become integrated into the world economy and to strengthen their capacities for good governance and thus for action on their own responsibility. The Koln Debt Initiative for the poorest countries, as well as support for the New African Initiative, the UN AIDS Fund and the aim of halving extreme poverty by 2015 are a few examples of our solidarity. But we will certainly have to step up our efforts considerably in the future.

The shocking increase in violence and hatred in the Middle East fills us with the gravest concern. The many victims and their families on both sides have our deep sympathy. The vicious circle of violence must finally be broken using all available means. The Israeli and the Palestinian peoples have a right to collective and individual security, to a life without fear, a life in dignity and offering prospects for their children and grandchildren. This includes Israel's right to exist, which we regard as inviolable, but equally also the continuing and unqualified Palestinian right to self-determination, including the option of a state, as the EU Berlin Declaration puts it.

The Mitchell Plan is the "road map", accepted by both sides, for ending the violence, building new confidence and restarting the interrupted negotiations. There is no reasonable alternative. A broad international coalition, united as never before, is backing this approach. We call upon both sides, Israelis and Palestinians, to begin the planned direct talks quickly. These talks must lead to success. Too much depends on their success for the people of the region. We will make our contribution in this regard.

In contrast, polarizing the debate on the Middle East conflict or even singularizing Israel - directly or indirectly - here in Durban is, in the current situation, not conducive to building confidence and reviving the peace process. One-sided condemnations will also jeopardize this conference, perhaps cause its failure. I therefore urgently appeal to all participants here, and especially to our Arab and Palestinian friends, to ward off this danger to the success of the conference. Two World Conferences against Racism have failed already. If it happens again, the losers would again be those whom we are together endeavouring to protect and degraded across the world.

Madam Chair,

Globalization and migration are leading to the emergence of multicultural and multiethnic societies across the world. This is very enriching for each and every one of us. The related fears of loss of identity and security are, however, also a source of hatred and violence against foreigners. Today right-wing extremists and racist groups spread their ideas via the Internet and other new media, thus strengthening their cooperation at international level too. This World Conference must focus primarily on ways to combat these new forms of racism and xenophobia. For this will be the challenge of the future.

Racism and xenophobia are a bitter reality in many countries. We Germans are outraged and deeply ashamed that violence against and hatred of foreigners are again increasing in Germany. Our state and our society therefore pledge to fight categorically against all forms of right-wing extremism, racism and anti-Semitism. This requires a tough, unequivocal approach by the state towards perpetrators, and at the

same time education and persuasion. Germany today devotes particular attention to issues relating to integration. Unfortunately, foreigners in our country often still encounter a climate of prejudice and arrogance. The Federal Government has reformed the outdated German nationality law and made naturalization easier. It is now easier for asylum-seekers and refugees to enter the labour market. Proposals for modern regulations on migration to Germany are currently being drawn up. We very much hope that all this will help bring about greater acceptance of people of foreign origin in Germany. Nevertheless, much remains to be done.

Xenophobia has a lot to do with ignorance. Education and information are therefore extremely important. The more we can do to persuade young people in particular of the importance of respecting the rights and dignity of others, the greater the chance that we can overcome prejudice. Educational measures, particularly those making use of the digital media, must therefore be a focus of our efforts, at both national and international level.

The double discrimination - on grounds of race and gender - that many women and girls throughout the world have to endure deserves particular condemnation. Millions of women and girls throughout the world are still being treated like people stripped of dignity, refused the right to determine their own social and economic lives and deprived of an education. The trade in women and girls is a loathsome form of slavery.

A few days ago, the Federal Government made a declaration pursuant to Article 14 of the UN Anti-Racism Convention, thus recognizing the right of individuals to submit petitions under the Convention. In this way, we want to make a concrete German contribution towards the success of this conference, and we hope that other states will follow our example. The accession of as many states as possible to the Anti-Racism Convention and its translation into national law must be central objectives of this conference. The diversity of humanity is a gift, not a threat. Let us therefore try our utmost to develop a concrete plan of action which will give us orientation and assistance to overcome the burning problems of today and tomorrow. If we succeed in this, Durban will be an important beacon of hope for a more humane world. Learning from the past means shaping a better future. That must be the aim of this conference.

교황청

HOLY SEE

Intervention of

Archbishop Diarmuid MARTIN

Permanent Observer of the Holy See

to the United Nations Office and Other International Organizations in Geneva

Mr President,

The Delegation of the Holy See wishes in the first place to express its appreciation to the government and people of South Africa, the host country of this World Conference. South Africa is our host not just physically. Its own history, experience and hopes make it truly the host, and the inspiration of the lofty ideals which inspire our work and our commitment.

The ethical foundations of a new world community

The Durban World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance presents a significant challenge to the world community at the beginning of a new Millennium. While the title of our Conference is formulated in negative terms, the challenge we face is a positive one. The fight against racial discrimination is above all about how we wish to structure the interaction of individuals and peoples at the beginning of a new century and a new millennium. Racism is a sin. It is fundamentally a lie, a concept deliberately invented to create division in humanity. This Conference must be about the truth: the truth concerning human dignity, the truth concerning the fundamental unity of the human family. This is a Conference about the ethical foundations of a new world community. From an honest appraisal of the errors and practices of the past - and indeed, let it be said, of the present - we must together boldly seek a different future, in which each person and each people will be recognised and fostered in their unique dignity and in their inalienable rights.

Despite this contemporary period of unprecedented humanitarian and scientific progress, we have to admit that all too many dimensions of our world community are still marked by exclusion, division and crass inequality, with consequent dramatic human suffering. Nor can we forget that the recent past has witnessed actions aimed not only at exclusion but at the very extermination of entire peoples. The challenge of the new century is to ensure that this will never happen again, and to draw up, as it were, a new world map, one which registers not division or domination, but a fruitful interaction of peoples founded on equitable just and fraternal relations in solidarity.

Individual and collective conversion of hearts

The Holy See recognises the irreplaceable contribution which the United Nations family has made and is making in addressing inequality and exclusion in today's world. This Conference, however, will hopefully mark a new and significant step in the efforts of the community of nations. It begins to touch the most central and the deepest dimensions of what is needed to fight racial discrimination and to build a more just world. The Conference invites each of us, as individuals and as representatives of nations and peoples, to examine the sentiments that are in our own hearts. Without an individual and collective conversion of heart and attitude, the roots of hatred, intolerance and exclusion will not be eliminated, and racism will continue to raise its ugly head again and again in the next century as it has in the century that has just ended.

The preparatory work of the Conference has shown that this is not an easy process. It requires that we examine the reality of history, not in order to be trapped in the past, but to be able to begin honestly to construct a different future. Pope John Paul II has noted: "One cannot remain a prisoner of the past: individuals and peoples need a sort of 'healing of memories'.¹ Evidently there can be no such healing without a vigorous recognition of the truth of historical realities. The healing of memory requires that we honestly appraise our personal, community and national history and admit those less noble aspects which have contributed to the marginalization of today, but in such a way as to reinforce our desire to make the era of -globalisation an era of encounter, inclusion and solidarity.

Migrants, refugees and their families

In its contribution to the preparatory work of this Conference, the Holy See has particularly stressed the situation of migrants, refugees and their families. Migration will be one of the typical characteristics of a globalised world. It can be a phenomena which generates prosperity, helps reduce global inequalities and enhances encounter among peoples and cultures. As the recent document which the Pontifical Council for Justice and Peace, published as a contribution to this Conference, notes, "increased human mobility demands more than ever an openness to others"². But today the migrant, especially one who comes from a different cultural background, can easily become the object of racial discrimination, of intolerance, of exploitation and of violence. In the case of undocumented migrants the person may not even have minimum redress with the appropriate authorities. The Conference must constitute a clear reaffirmation of the fundamental human rights of all migrants, regardless of their immigration status. It must indicate the broad lines for an effective national and international application of those rights. At the same time, the fight against racism will require an intensive and balanced programme of education concerning migration.

The fundamental role of education

A further theme which the Holy See has wished to stress particularly during this Conference is that of the fundamental role of education in the fight against racism. Such education must begin in the family. It is in the family that the child first understands the concept of the other. It is in the family that the other becomes truly a brother or sister. The family itself must be the first community of openness, welcome and solidarity. The family must be the first school in which the roots of racist behaviour are firmly rejected. Education against racial intolerance must become a clear pillar of all dimensions of education, both in the school and in broader society. Such an education must address the ethical foundations which enhance the unity of the human family.

A special responsibility rests with those who have responsibility for the formation of public opinion. Mass media have a special responsibility to avoid any provocation of racism sentiments. All forms of racial stereotyping or efforts at inciting rejection or hatred though racial discrimination must be rejected right from their first appearance. Human rights education must become a fundamental dimension of educational programmes, as well as in the professional formation of certain categories whose work can help prevent

racial discrimination, such as mass media, or which have a special responsibility to protect victims, such as the judiciary or law enforcement officers.

The contribution and responsibility of religious communities

The Holy See has, finally, especially addressed the contribution and the responsibility of religious communities in the fight against racism. In speaking of this Conference some days ago, Pope John Paul II made an appeal to all believers, noting that we cannot truly call on God, the father of all if we refuse to treat in a brotherly way any person, created in the image of God. Religion has all too often been exploited as a means to further deepen existing political, economic or social divisions. Religious leaders must recall that all religions by their nature appeal to the unity of the human race. True religious belief is absolutely incompatible with racist attitudes and racist practices. Recent experiences of inter-religious dialogue offer the hope of greater understanding among religions. In many recent conflicts, in fact, the unity shown by religious leaders has been a significant factor in preventing or reducing conflict and in fostering reconciliation.

Let us hope, Mr President, that this United Nations Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance will mark a historic moment, from which a culture of dialogue may assume a new relevance: dialogue among religions, dialogue among civilizations, dialogue among nations and within nations. May one of the fruits of the Conference be the beginnings of a new broad, international cooperation between governments, civil society, religious groups and the mass media, as well as farseeing and courageous individuals, to work together to help construct a vision of humankind, which truly lives in unity. This is, in fact, God's design for the human family.

나미비아

NAMIBIA

STATEMENT BY

HON DR E. N. TJIRIANGE,

MINISTER OF JUSTICE OF THE REPUBLIC OF NAMIBIA

Madam Chairperson,

The first and second World Conferences Against Racism were held far away from Southern Africa, a sub-region whose people have been victims of racism and racial discrimination. These Conferences were held at a time when the people of Zimbabwe, Namibia and your own country were fighting against colonialism and apartheid. How fitting it is then, that the third Conference is being held in South Africa, a country whose people gallantly fought against apartheid, a system which our Organization, the United Nations, declared a crime against humanity. We congratulate you and your bureau and have full confidence that under your guidance the Conference will reach a successful conclusion. This is the first

World Conference of the new millennium, the millennium of the African Renaissance, African Recovery and Reawakening, therefore, Africans and people of African descent in particular, expect tangible results from this World Conference. Indeed, the world's eyes are focused upon Durban. Therefore, Durban should be the turning point against racism, racial discrimination, xenophobia and related intolerance, recording humanity's zero tolerance against these evils.

Needless to say, Africa suffered most from these crimes against humanity. The African Ministers at their meeting in Dakar in January this year stated that slave trade is a unique historical tragedy in the history of humanity, a crime against humanity which is unparalleled, particularly its transnational dimension and the negation of the human nature of victims. Equally, colonialism and wars of conquest, in particular in those countries of white settler colonialists, were of genocidal proportions and the humanity of the colonized was totally negated. As it is well known this was particularly the case with institutionalized racist system of apartheid in South Africa and Namibia, which the world determined to be a crime against humanity. These are the historical facts, which the World Conference must take into account for us to take an effective approach to racism, racial discrimination, xenophobia and related intolerance. It will be noted that apart from the injustices of slavery, colonialism and wars of conquest, Africa today continues to suffer from foreign and unjustly exploitation of its enormous resources, subjected to the dumping of unwanted surplus arms as a result of the end of the Cold War, further subjected to unfavourable international economic environment and unjustifiable foreign debts.

In this respect, the World Conference must declare solemnly that the international community as a whole fully recognizes the historical injustices of the slave trade, colonialism and the wars of conquest. I am not standing here to narrate forgotten history. I am honouring the people of Namibia who were subjected to colonialism and apartheid as indeed the entire African continent was subjected to slavery and colonialism. A people who until the 21st Century live with the effects of these evils. It is in this context that my delegation further endorses the African position that the recognition of slave trade, colonialism and wars of conquest would be hollow and meaningless without an explicit apology by those who committed these injustices against fellow human beings.

But, Madam Chairperson, such an apology will be an exercise in futility if no mechanism is put in place for compensation and reparation. Otherwise this World Conference will be condemned by future generations. The Namibian Delegation will leave the modalities of how such compensation and reparation will be made operational to appropriate United Nations agencies. To this end, the African proposal, namely the establishment of an International Compensation Scheme and a Development Reparation Fund is a starting point. It should be emphasized that the World Conference cannot work out the details of how such reparation or what ever the consensus will be, but just the principle. As the Conference is aware the question of reparation and compensation is central to long lasting containment of racism, racial discrimination, xenophobia and related intolerance.

Madam Chairperson,

Let me emphasize that colonialism and apartheid in Namibia meant dispossession, dehumanization, divide and rule, to mention but some. Therefore when we in Africa emphasize these issues in the outcome of this Conference, it is not a sheer obsession with the past, but the reality we live. Our past, our history provides the link to that bright future we continue to seek. The slave trade cannot be denied or belittled, for the suffering of and enduring consequences to the Africans and people of African descent are too grave to ignore.

Madam Chairperson,

Let me now turn to another important issue before the Conference - the situation of the Palestinians in the Occupied territories. The question of Palestine has throughout the second half of the last century generated concerns to the international community. The recent increase in the tension has been of particular concern to the international community. Therefore, in the view of my delegation the ongoing increase in violent confrontation in Palestine is an issue a conference on racism, racial discrimination, xenophobia and related intolerance cannot but consider. With so many lives having been lost in recent months, the continued violation of the human rights of the Palestinian people is an issue this World Conference must consider.

Finally, let me allude to a factor, which if left unchallenged, have the capacity to affect the World Conference, namely, the fear of the unknown with regard to reparation and compensation. Such unfounded fear that compensation and reparation for the Africans and people of African descent by those countries who practiced and benefited from these crimes will reduce their living conditions. Such false and unfounded fear creates mistrust and suspicion. Those of us who were subjected to the racist apartheid system understand very well what unfounded fear can lead to. The white racist settlers during the apartheid era had a fear of the numerical strength of the blacks, what they term "swart gevaar" black peril. That was a fear based on the injustices they inflicted upon the black people. But as we know, principled leadership has no time for revenge. And upon the defeat of apartheid, the leadership of Namibia and South Africa embarked upon the policy of reconciliation. That is a lesson the Conference could well note.

Madam Chairperson

Africans and people of African descent and, indeed, all the people who suffered from slavery, colonialism and wars conquest are part of the global village. But for the global village to be harmonious and forward looking the injustices of the past cannot and should not be ignored or merely glossed over. For if we did, history will judge us harshly...

I thank you.

팔레스타인해방기구

PALESTINE LIBERATION ORGANIZATION

PALESTINE NATIONAL AUTHORITY

H.E. YASSER ARAFAT

President of the State of Palestine,

Chairman of the Executive Committee of the Palestine Liberation Organization,

President of the Palestine National Authority

HE President Thabo Mbeki, / HE President Mary Robinson, / Excellencies, / HE Mr. Kofi Annan, / Ladies and Gentlemen,

It is my great pleasure and delight to be with you, side by side with my friend President Thabo Mbeki, the President of South Africa, which has once and forever liberated itself from the detested racism and the policies of racial discrimination. It is my sincerest hope that this Third World Conference against Racism and Racial Discrimination will be a decisive historical turning point on the international level in doing away with all forms of racial discrimination and racism.

I come to you from my homeland, Palestine, which is tormented by racial discrimination, occupation, aggression and settlements. It is my hope that this esteemed conference will make the final word, the word of right, history and justice, on this bloody tragedy to which our people have been subjected. It is a racist colonialist conspiracy of aggression, forced eviction, usurpation of land and infringement upon the Christian and Islamic holy places, in Al-Quds Ash-Shareef, Bethlehm, Beit Jala, Beit Sahoor, Hebron and others.

The conspiracy against our people thwarted all international resolutions, which provide the only basis for peace and justice. As a result of this colonialist challenge against international legitimacy, the governments of Israel usurped our rights, land and natural resources. They destroyed many Christian and Islamic holy places. They robbed our water. They turned a majority of our people into refugees in the region and the world, deprived of return to their homeland and to their homes even after the adoption of Resolution 194, which guaranteed their right of return. Indeed the Government of Israel is now undertaking military escalation and imposing an economic, financial, provisions-supply and medical siege against our people and against all of our towns and villages as well as against our farms and industrial establishments, which they are destroying by all kinds of the American war machine, including those internationally prohibited. Our people have condemned equally all the racist practices and crimes and racist practices directed against the Jews in modern history.

Our Palestinian people face today the severest military campaign run by the Government of Israel headed by Sharon. She declares to the world, in a challenging and insolent manner, her rejection of political solutions and agreements as well as her insistence on a military solution that has brought disasters and

destruction to our land and people, and the liquidation and assassination of their leaders, the last of whom was the heroic martyred leader, Abu Ali Mustafa, the Secretary General of the Popular Front. This brutality and arrogance are moved by a mentality of superiority that practices racial discrimination, that adopts ethnic cleansing and transfer, and that protects the daily attacks carried out by the settlers against our people.

Our Palestinian people who are suffering as a result of this severe occupation, these settlements and racial discrimination look forward towards this conference to stand on their side, with right, justice and international legitimacy which are trampled upon by Israel. The aim of this Government is to force our people to their knees and to make them surrender in order to continue her occupation, settlements and racist practices, so as to liquidate our people by carrying out the Orainim (i.e. Hell) plan which were declared by Sharon, the head of the Government of Israel, before the Israeli Knesset and by the Chief of staff of his army.

The ongoing Israeli aggression against our people does not aim, as the Government of Israel claims, at ensuring the security of Israel and that of her citizens. This savage aggression aims at maintaining occupation and settlements, and continuing the aggression against our land and our Christian and Islamic holy places. It should be known that the security of Israel and the Israelis, and that the just and comprehensive peace in the region, the peace of the brave, which I and my late partner Rabin signed, can be achieved through the Israeli withdrawal, the removal of the settlements from our land and the implementation of the signed agreements and the resolutions of international legality.

Condemnation of the Israeli occupation and its racist practices and laws, which are based on racism and superiority, is considered today an urgent demand by our people. It also represents a strong support for their just and legitimate struggle to liberate their land from the Israeli occupation, to exercise their legitimate right to self-determination and to establish their independent state, with Holy Jerusalem as its capital, and to the right of the refugees to return to their land. We continue to look forward to the return of the path of peace to achieve these legitimate goals within a just comprehensive and lasting peace for all the people of our area.

This historical conference represents a decisive historical turning point in the position of all humanity vis-vis discrimination and racist practices which are all incorporated in the Israeli occupation of and settlements in our homeland, Palestine. The decisions of this historical conference cannot but be a start for a universal international as well as popular move to do away with the last vestiges of colonialism in our contemporary world, namely the Israeli settler occupation of our homeland, Palestine, and to enable our people get their right of freedom, independence and sovereignty, like other peoples in the world.

Thank you for your attention and I wish this historical conference success.

이스라엘

ISRAEL

Statement by Rabbi Michael Melchior

Deputy Foreign Minister of the State of Israel

Madame Chairperson. Distinguished Delegates, Ladies and Gentlemen.

I have the honour to represent Israel at this important gathering, and I am proud to deliver this statement, which was to have been presented by Israel's Deputy Foreign Minister Rabbi Michael Melchior. Rabbi Melchior is not participating in this conference because: of the negative developments which appear to be materializing.

Why, when the world was created, did God create just one man, Adam, and one Avoman, Eve? The Rabbis answered: so that all humankind would come from a single union, to teach us that we are all brothers and sisters.

This Conference was dedicated to that simple proposition. We, all of us, have a common lineage, and are all, irrespective of race, religion or gender, created in the divine; image. Indeed, this single idea, unknown to all other ancient civilizations, may be the greatest gift that the Jewish people has given to the world, the recognition of the equality and dignity of every human being.

The foremost right that follows from this principle is the right to be free, not to be a slave. It is imperative that international community address and duly acknowledge, already far too late, the magnitude of the tragedy of slavery. The horror of slavery is profoundly engraved in the experience of the Jewish people - a people formed in slavery. For hundreds of years the children of Israel were enslaved in Egypt until, as the Book of Exodus recounts, the call: 'Let my people go' heralded the first national liberation movement in history, and the model for every liberation which was to follow.

The Jewish response to slavery was remarkable. Rather than forget or sublimate the suffering of slavery, Jewish tradition insisted that every Jew must remember and relive it. And to this day, on Passover, every Jewish family reenacts the experience of slavery, eats the bread of affliction, and appreciates once again the taste of freedom. Through the ages of our exile this psychodrama has had a profound impact on the Jewish psyche: making sure that every child born into comfort knows the pains of oppression, and every child born into oppression knows the hope of redemption. But remembrance of our suffering as slaves has a more important function - to remind ourselves of our moral obligations. The experience of oppression brings no privilege, but rather responsibility. We have a responsibility to protect the weak, the widow and the orphan and the stranger, because as the Bible says: "You yourselves were strangers in the land of Egypt." Even God, in the first and most fundamental of the 10 commandments, identifies Himself not as

'Creator of the World' or 'Splitter of the Red Sea'. but as 'the One who freed you from slavery.

And indeed in every country in which they have lived, Jews have been in the forefront of the battle for human rights and freedom from oppression. The same urge for national liberation, that led to the Exodus, and that led to the Zionist dream that Jews could live in freedom in their land, was intrinsically bound up with the belief that not just one people, but all peoples must be free. It was this conviction that Theodor Herzl, the founder of the Zionist movement, expressed in his book *Allneuland*, as early as 1902: There is still one problem of racial misfortune unsolved. The depths of that problem only a Jew can comprehend. I refer to the problem of the Blacks. Just call to mind all those terrible episodes of the slave trade. of human beings who merely because they were black were stolen like cattle. taken prisoners. captured and sold. Their children grew up in strange lands, the objects of contempt and hostility because their complexions were different. I am not ashamed to say, though I may expose myself to ridicule for saying so, that one I have witnessed the redemption of Israel, my people, I wish to assist the redemption of the Black people. As Herzl understood, remembrance of slavery is integral to the Jewish experience. A Jew cannot be truly free if he or she does not have compassion on those who are enslaved.

Madame Chairperson.

If slavery is one form of racist atrocity, antisemitism is another. And by antisemitism, let us be clear, we mean the hatred of Jews. The word 'antisemitism' was deliberately coined in 1879 by Wilhelm Marr, an anti-Jewish racist in Germany, to replace the term *judenhass*, Jewhatred, which had gone out of favor. It has always, and only, been used to describe hatred and discrimination directed at Jews. Attempts to eradicate the plain meaning of the word are not only antisemitic, indeed they are anti-semantic. Those uncomfortable recognizing the existence of antisemitism not only try to redefine the term, they try to deny that it is different from any other form of discrimination. But it is a unique form of hatred. It is directed at those of particular birth, irrespective of their faith, and those of particular faith, irrespective of their birth. It is the oldest and most persistent form of group hatred; in our century this ultimate hatred has led to the ultimate crime, the Holocaust. But antisemitism goes far beyond hatred of Jews. It has arisen where Jews have never lived, and survived where only Jewish cemeteries remain. And while Jews may be the first to suffer from its influence, they have rarely been the last. Antisemitism reveals the inner corruption of a society, because at its root it is fueled by a rejection of the humane and moral values the Jewish people bequeathed to the world. As Anne Frank, the Jewish schoolgirl in hiding from the Nazis in occupied Amsterdam, wrote in her Diary:

If we bear all this suffering and if there are still Jews left, when it is over, then Jews, instead of being doomed, will be held up as an example. Who knows, it might even be our religion from which the world and all peoples learn good., and for that reason only do we now suffer.

Anne Frank was murdered by the Nazis in Bergen-Belsen for being a Jew, just one of over one million

Jewish children to be killed in the Holocaust.

Those who cannot bring themselves to recognize the unique evil of antisemitism, similarly cannot accept the stark fact of the Holocaust, the first systematic attempt to destroy an entire people. The past decade has witnessed an alarming increase in attempts to deny the simple fact of this atrocity, at the very time that the Holocaust is passing from living memory to history. After wiping out 6 million Jewish lives, there are those who would wipe out their deaths. At this Conference too, we are witnessing a vile attempt to generalize and pluralize the word 'Holocaust', and to empty it of its meaning as a reference to a specific historic event with a clear and vital message for all humanity. Could there be anything worse than to brutally, systematically annihilate a people; to take the proud Jews of Vilna, Warsaw, Minsk, Lodz: to burn their holy books. to steal their dignity, their freedom, their hair, their teeth: to turn them into numbers, to slaves. to the ashes of Auschwitz, Treblinka, Majdanek and Dachau? Could anything be worse than this? And the answer is yes, there is something even worse: to do such a thing, and then to deny it. to trivialize it, to take from the mourners, the children and the grandchildren, the legitimacy of their grief, and from all humanity the urgent lesson that might stop it happening again.

Madame Chairperson,

The 20th century which witnessed the atrocities of the Holocaust also witnessed the fulfillment of the Zionist dream, the reestablishment of a Jewish state in Israel's historic land. For Zionism is quite simply that - the national movement of the Jewish people, based on an unbroken connection, going back some 4000 years, between the People of the Book: and the Land of the Bible. It is like the liberation movements of Africa and Asia, the national liberation movement of the Jewish people. And it is a movement of which other national liberation movements can be justly proud. It has strived continually to establish a society which reflects highest ideals of democracy and justice for all its inhabitants, in which Jew and Arab can live together, in which women and men have equal rights, in which there is freedom of thought of expression, and in which all have access to the judicial process to ensure these rights are protected.

The aspiration to build such a society was enshrined from the outset in Israel's Declaration of Independence:

The State of Israel... will foster the development of the country for the benefit of all its inhabitants: it will ensure complete equality of social and political rights to all its inhabitants, irrespective of creed, race or gender; it will guarantee freedom of religion, conscience, language, education and culture.

It is a tall task. It is a constant struggle. And we do not always succeed. But, even in the face of the open hostility of its neighbors and continued threats to its existence. there are few countries that have made such efforts to realize such a vision. Few countries of Israel's age and size have welcomed immigrants from over one hundred countries, of all colors and tongues, sent medical aid and disaster relief to alleviate human

tragedy wherever it strikes, maintained a free press, including the freest Arabic press anywhere in the Middle East.

And yet those who cannot bring themselves to say the words 'the Holocaust'. or to recognize antisemitism for the evil that it is. would have us condemn the 'racist practices of Zionism'. Did any one of those Arab states which conceived this obscenity stop for one moment to consider their own record? Or to think, for that matter, of the situation of the Jews and other minorities their own countries? These states would have us believe that they are anti-Zionist, not antisemitic, but again and again this lie is disproved. What are the despicable caricatures of Jews that fill the Arab press, and are being circulated at this conference. What are the vicious libels so freely invented and disseminated by our enemies - about the use of poison gas, or depleted uranium, or injecting babies with the Aids virus - if not the reincarnation of age-old antisemitic canards?

To criticize policies of the Government of Israel - or of any country - is legitimate, even vital: indeed as a democratic state many Israelis do just that. But there is profound difference between criticizing a country, and denying it's right to exist. Anti-Zionism, the denial of Jews the basic right to a home, is nothing but antisemitism, pure and simple. As Dr. Martin Luther King Jr. wrote:

You declare, my friend, that you do not hate the Jews, you are merely 'antiZionist'. And I say, let the truth ring forth from the high mountaintops. Let it echo through the valleys of God's green earth: When people criticize Zionism they mean Jews... Zionism is nothing less than the dream and ideal of the Jewish people returning to live in their own land...and what is anti-Zionism? It is the denial to the Jew of the fundamental right that we justly claim for the people of Africa and freely accord to all other nations of the globe. It is discrimination against Jews because they are Jews. In short it is antisemitism.

The venal hatred of Jews that has taken the form of anti-Zionism, and which has surfaced at this Conference is, however, different in one crucial way from the antisemitism of the past. Today it is being deliberately propagated and manipulated for political ends. Children are not born as racists, racism is a result of lack of education and political manipulation. And today generations of Palestinian children are being deliberately and systematically indoctrinated, with textbooks stained with blood libels, and children's television programs dripping with hatred. This high-risk strategy is bound to fail, but it will exact a heavy price.

The conflict between us and our Palestinian neighbors is not a racial, and has no place at this Conference. It is political and territorial, and as such can and should be resolved to end the suffering and bring peace and security to the Israeli and Palestinian peoples. The path towards such a resolution is clear: an immediate cessation of violence and terror and a return to negotiations as recommended by the Mitchell Committee Report which both parties have accepted. The outrageous and manic accusations we have heard

here are attempts to turn a political issue into a racial one, with almost no hope of resolution. I will not refer here, Madam Chairperson, to the disappointing and hate filled statements we have heard from the Head of the Palestinian Authority. Rather than to utilize this vital forum to inspire his own people, and the people of the world to seek peace, honour and harmony, he chose this podium to incite bitterness and hatred. Another missed opportunity by the leader of the Palestinian people.

Madam Chairperson,

Barely a year ago, at Camp David, the Israeli Government demonstrated its deep commitment to peace by offering our Palestinian neighbours far-reaching compromises. These compromises, you will recall, were applauded by the entire international community. But the Palestinians did not accept these proposals, nor did they put forward any compromise proposals of their own. To our deep dismay they responded with a wave of violence. Over the past year this violence escalated into protracted and inhuman attacks on the Israeli civilian population forcing Israel to assume a role which we abhor, defending our citizens militan, means, which we had hoped and prayed would be relegated to the past.

Deputy Foreign Minister Rabbi Melchior's own cousins, two little girls and their brother, lost their legs only a few weeks ago in a terrorist attack on a bus carrying children to school. Many Palestinian children have likewise been wounded for life. The vicious libels, the delegitimization and dehumanization we have heard at this Conference will do nothing to prevent more Israeli and Palestinian mothers and fathers bringing their young ones to their graves. But here today, something greater even than peace in the Middle East is being sacrificed - the highest values of humanity. Racism, in all its forms, is one of the most widespread and pernicious evils, depriving millions of hope and fundamental rights. It might have been hoped that this first Conference of the 21st century would have taken up the challenge of, if not eradicating racism, at least disarming it: But instead humanity is being sacrificed to a political agenda. Barely a decade after the UN repealed the infamous, 'Zionism is Racism' resolution, which Secretary-General Kofi Annan described, with characteristic understatement, as a "lov, point" in the history of the United Nations, a group of states for whom the terms 'racism', 'discrimination', and even 'human rights' simply do not appear in their domestic lexicon. have hijacked this Conference and plunged us to even greater depths.

Can there be a greater irony than the fact that a conference convened to combat the scourge of racism should give rise to the most racist declaration in a major international organization since the Second World War? Despite the vicious anti-Semitism we have heard here, I do not fear for the Jewish people, which has learned to be resilient and to hold fast to its faith. Despite the virulent incitement against my country, I do not fear for Israel, which has the strength not just of courage, but also of conviction. But I do fear, deeply, for the victims of racism. For the slaves, the disenfranchised, the oppressed, the inexplicably hated, the impoverished, the despised, the millions who turn their eyes to this hall, in the frail hope that it may address their suffering. Who see instead that a blind and venal hatred of the Jews has turned their hopes

into a farce. For them I fear.

We are here as representatives of states, and states of their nature have political interests and agendas. But we are also human beings, all of us brothers and sisters created in the divine image. And in those quiet moments when we recognize our common humanity, and look into our soul, let us consider what we came here to do - and what we have in fact done:

We came to learn from our history, but we find it being buried to hide its lessons. We came to communicate in the language of humanity, but we hear its vocabulary twisted beyond all comprehension. We came out of respect for the sacred values entrusted to us, but see them here perverted for political ends.

And ultimately, we came to serve the victims of racism, but have witnessed yet another atrocity, committed in their name.

UN기구 외 각 연설문

: UN인권고등판무관 개회사, 남아프리카공화국 개회사, 인도 국가인권기구, 국제노동기구(ILO), 원폭피해자 증언(곽기훈님)

UN 인권고등판무관 개회사

Statement at Opening of Durban Conference

Mary Robinson, United Nations High Commissioner
for Human Rights and Secretary-General of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

President Mbeki, / Heads of State and Government, / Secretary-General, / Excellencies, Ladies and Gentlemen,

Today marks the start of an event which many people have worked long and hard for over many months. To all who contributed and especially to the people of Durban and South Africa I say a warm "thank you".

We have come a long way to Durban. I recall the first formal event of the Conference 18 months ago - an expert seminar in Geneva on Remedies Available to the Victims of Acts of Racism, Racial Discrimination, Xenophobia and Related Intolerance and Good National Practices in the Field. We have come a long way since then in building up our understanding of racism in the modern world. There have been four regional

conferences, five expert seminars and three sessions of the Preparatory Committee. There have been lengthy drafting sessions and events of every description have taken place in every part of the world with the focus on the themes of Durban.

We have come a long way psychologically and substantively too. Our journey to Durban has helped to shape thinking about who are the victims of racism and discrimination, what sort of remedies can be made available and the best kinds of preventive measures. When the balance sheet is drawn up for the Conference, the greater understanding which has been achieved of the sources, causes of and remedies for racism must weigh heavily in its favour.

This was never going to be an easy Conference. Asking people to face up to the problems of racism in their midst is not always welcome. There is a tendency to say "We don't have those problems in our country". It is always easier to point the finger of blame than to look hard at our own prejudices and biases. And we should not be surprised that the negotiations have been difficult. The issues we are addressing here confront us at so many levels, nationally, regionally, locally. They are among the most sensitive the United Nations and the international community have to deal with. It is worth remembering this over the coming week.

We should remember, too, that we cannot solve all of the world's problems at Durban. A theme I have been stressing is that we all belong to one human family. Families do not agree on everything. But they agree on certain fundamentals and that is what makes families strong. What I am asking all of you is that we agree on the fundamental aims of this Conference, not that we try to sort out all the problems on the international agenda. One thing that is clearer to me after the preparations of the past eighteen months is how badly we need new strategies to fight racism and intolerance in the modern world. To those who say we do not need a World Conference on this subject I say "Look around you". How much misery, inequality, conflict is caused by racism and discrimination! From a human rights point of view, this Conference is crucially important. Equality and non-discrimination are central to the pursuit of human rights.

Success at Durban should be measured by whether or not the outcome brings effective remedies and relief to the victims of racism, racial discrimination, xenophobia and related intolerance. I have also learned how closely contemporary forms of racism are bound up with the past. I believe this Conference could mark a historic breakthrough in the struggle against racism if agreement could be reached on language that recognises historic injustices and expresses deep remorse for the crimes of the past. If we can do that it will connect with millions of people worldwide and affirm their human dignity. It will connect in the way that poetry connects and will be heard by that inner ear. We must focus attention on outcomes and forward strategies. In some respects the journey proper will only begin after we leave Durban. That is when the real test will come of what we have achieved over these months of preparation and at the Conference

itself.

Durban will only be a landmark if there is substantial text adopted here and meaningful follow up. The task which we must achieve before we leave is to have a clear understanding about the follow up which must be accomplished, about who is responsible for the necessary actions and how we can measure progress.

I call on every government representative to ensure that the responsibilities of States in the fight against racism and discrimination are fully understood and acted on through national programmes or plans of action. I call on intergovernmental organisations to play their part to ensure that the aims of this Conference are reflected in their own activities, and that they vigorously monitor the commitments that will be made here.

As far as the United Nations' role is concerned, the participatory process has made it clear that the UN must not only continue its historic fight against discrimination but must intensify that struggle. We have heard at length from those who are hurting, from those who are the victims of injustice, and from those in quest of dignity and equality. I have already drawn firm conclusions from this and I shall establish an anti-discrimination unit reporting directly to me to take follow-up action on the insights we have already gained, on the implementation of your recommendations, and to maintain common cause and mobilization with civil society. I shall be consulting with Member States at the forthcoming General Assembly on how we can take forward processes to follow up in the regions on the practical proposals that have come out of the various regional conferences and expert meetings.

I cannot overstate the role of civil society in the follow up process. I look particularly to Non-Governmental Organisations, the international youth network and civil society generally to take up the challenge of Durban and form a global alliance with governments to carry the struggle forward. The impression I have is that NGOs are, indeed, rising to the challenge and are aware of how vital is the fight against racism, racial discrimination, xenophobia and related intolerance.

Three things I would ask for in the week ahead from all parties and especially from delegates:

- the first is generosity of spirit. It is no small issue we are dealing with in Durban: it is no time to be small-minded.
- secondly, I call for flexibility and a willingness to meet the views of others. Progress can only be made on that basis and the urgency of devising new strategies to combat racism and discrimination requires it.
- finally, I would appeal for a sense of vision. I remain convinced that this can be a defining moment for

the international community, that we have the capacity at the start of this century to work for a better and fairer world order.

We can draw inspiration from the African concept of Ubuntu, that ancient term which embraces humaneness, caring, sharing and being in harmony with all of the world. When he came to Geneva last April, Archbishop Desmond Tutu explained how the concept represents the opposite of being selfish and self-centred. Ubuntu empowers everyone to be valued, to reach their full potential while remaining in accord with everything and everyone around them. This spirit is reflected in the Universal Declaration of Human Rights when it speaks of "the inherent dignity and the equal and inalienable rights of all members of the human family". The Universal Declaration proclaims that "All human beings are born free and equal in dignity and rights" and should act towards one another in a spirit of brotherhood". Let that spirit inform our discussions over the coming week as we strive for a world where the principles of equality and non-discrimination are honoured, not merely in words, but in fact.

Thank you.

남아프리카공화국 개회사

Address of the President of South Africa

Thabo Mbeki, at the Opening of the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Durban, 31 August 2001

Your Excellency, Secretary General of the United Nations, Mr Kofi Annan, Your Excellencies Heads of State and Government, Ministers and Heads of Delegation, Esteemed leaders of the non-governmental organisations, President of the World Conference, the Hon Nkosazana Dlamini-Zuma, Secretary General of the World Conference, the Hon Mary Robinson, Distinguished delegates and guests, Members of the mass media, Friends, ladies and gentlemen:

On behalf of the people of South Africa and our government, I am privileged to join in welcoming you all to South Africa and to this historic world conference that has the potential and a responsibility to convey a message of hope to billions of people across the globe. We have gathered as we have, because we are united in our resolve to ensure that every human being leads a life of dignity. We meet here because we are determined to ensure that nobody anywhere should be subjected to the insult and offence of being despised by another or others because of his or her race, colour, nationality or origin. Together we are committed to the realisation of the objective that every human being should enjoy human rights as equals with other human beings, with every right and possibility to determine both their future and the destiny of their countries. This surely means that nobody should be denied their statehood on any basis whatsoever, or turned into permanent refugees with neither the right nor the possibility to build a national home they can truly call home.

I am certain we are determined to speak with one voice to assert that no culture, language or tradition of any people is inferior, deserving of being despised, mocked and destroyed. By this means we want to make the point firmly that all peoples and all nations are mutually and each equally entitled to their identity and their national pride. We have gathered in Durban because we have understood that poverty is not a natural human condition. Accordingly, it constitutes a direct attack on the human dignity of all those condemned to deprivation and are therefore forced to beg, to steal, to prostitute themselves because they are poor or those who resort to substance abuse to take away the pain of hunger and despair. Understanding all this, we are meeting here because we have said to ourselves that since poverty is not an act of nature but the product of human society, we must as this human society, together fight and vanquish poverty and underdevelopment.

We have come together, in what some believe is a new age of reason, because we know that the knowledge and the means exist in human society today in fact to overcome this poverty and underdevelopment. The question that remains to be answered is what is to be done to deploy these powerful intellectual and material resources so that poverty everywhere becomes a thing of the past. It became necessary that we convene in Durban because, together, we recognised the fact there are many in our common world who suffer indignity and humiliation because they are not white.

Their cultures and traditions are despised as savage and primitive and their identities denied. They are not white and are deeply immersed in poverty. Of them it is said that they are human but black, whereas others are described as human and white. To those who have to bear the pain of this real world, it seems the blues singers were right when they decried the world in which it was said - if you're white you're alright; if you are brown, stick around; if you are black, oh brother! get back, get back, get back!

Your Excellencies,
Distinguished delegates:

I speak in these terms, which some may think are too harsh and stark, because I come from a people that have known the bitter experience of slavery, colonialism and racism. These are a people who know what it means to be the victim of rabid racism and racial discrimination. Among us are the women who suffered most because they had to carry the additional burden of gender oppression and discrimination. Because of that experience, against whose results we continue to struggle to this day, as we will do for a considerable time to come, we also know what can be achieved when the peoples of the world unite to say no longer will they allow that another human being will suffer at the hands of another because of their race, colour, nationality and origin.

In welcoming you to South Africa, we welcome you as fellow combatants who joined us in struggle to defeat and suppress the apartheid crime against humanity. Accordingly, I am privileged to have the

opportunity as you, who represent the nations of the world, meet in this country, which not so long ago was the fountainhead of racism, once more to convey to you the immense gratitude of the millions of our people that you did not stand aside when that crime against humanity was being committed.

These masses are convinced that when you waged that protracted struggle, you did so because you were opposed to racism, racial discrimination, xenophobia and related intolerance everywhere. They welcomed the fact that you decided to convene this World Conference here in the belief that you did so because you have confidence that we too remain an active part of the world movement determined to fight on until racism ceases to define anybody's place in society and the world. They were happy that you would come, because this would give us an opportunity to reaffirm in front of you all that to us slavery, colonialism and racism are fundamentally repugnant. It would give us the possibility to pledge to the peoples of the world that we will not betray the friendship and solidarity which drove you to act against apartheid and will therefore join with you in the difficult struggle to eradicate the legacy of slavery, colonialism and racism.

Those on our common universe, who are defined by the blues singers as brown and black, expect much of this important World Conference. They believe that something will come out of here that will signify a united and sustained global drive within their countries and throughout the world to help rid them of the suffering they bear because they are brown and black. They entertain this hope because their suffering is real and immense. And yet they can also see that there are others who are as human as they, who lead decent lives and are certain of even better lives in future, whatever other problems they experience.

Gripped by poverty, fearful of the future because they know that tomorrow will be worse than today, forced to behave towards others as though some are inferior and others superior, simply to get something to eat, many take to their feet to flee from their lands of despair, at all costs trying to reach other countries they believe have the possibility to introduce them to a life of hope. Our common humanity dictates that as we rose against apartheid racism, so must we combine to defeat the consequences of slavery, colonialism and racism which, to this day, continue to define the lives of billions of people who are brown and black, as lives of hopelessness. Nobody ever chose to be a slave, to be colonised, to be racially oppressed. The impulses of the time caused these crimes to be committed by human beings against others. Surely, the impulse of our own time says to all of us that we must do everything we can to free those who to this day suffer from racism, xenophobia and related intolerance because their forebears were enslaved, colonised and racially oppressed.

It surely must be that this World Conference will say that, in all countries, both of the North and the South, the brown and black ghettos of poverty, despair and human degradation must no longer exist. This World Conference will have to indicate what is to be done practically so that this call results in a changed and changing world in which all human beings actually enjoy the inalienable right to human dignity. An

important part of our legitimacy as governments derives from our commitment to serve the people. Our own experience tells us that these people whom we serve always feel pain when another, who might be a citizen of other lands, feels pain.

To these masses, human solidarity is not a foreign concept. To them, this World Conference must convey the message that the peoples of the world are inspired by a new internationalism that says that we are determined to unite in action to repair the gross human damage that was caused in the past. It must inspire them with the knowledge that as governments, as non-governmental organisations, as countries and as peoples, we are ready now, to dedicate our minds, our skills and our resources to the creation of a new world free of racism, racial discrimination, xenophobia and related intolerance. It must convey a message of hope to the peoples of the world that, together, we are resolved to work hard for peace everywhere on our universe, so that the doors open everywhere for the fullest and all-round development of all human beings in conditions of freedom, safety and security.

The Middle East cries out for a just, stable and permanent peace that is long overdue. The people of Palestine, like those of Israel and everywhere else in the world, are also entitled to pursue their fullest and all-round development in conditions of freedom, safety and security. Our own Continent of Africa also deserves peace like any other, to rescue the peoples from death and destruction and to open the doors for us too, to develop in conditions of freedom, safety and security. Thus will the conditions be created for us as Africans to take to the long road towards the eradication of the legacy, which is our daily companion, of slavery, colonialism and racism. Only recently we bade farewell to a century that has visited terrible suffering to millions of people. It inflicted a terrible Holocaust on the Jewish people. It imposed a frightful genocide on the people of Rwanda. It produced criminal regimes of people demented by adherence to anti-human ideologies of racial superiority. And yet this same century gave us a global compact in the form of the Universal Declaration of Human Rights. It gave humanity as a whole the possibility to accumulate the knowledge and the means to realise the noble vision contained in that document. We have gathered in Durban to make the commitment that this we will do and, together, to decide what steps we will take to ensure what has to be done, is done.

Once more, I welcome you to this country which you helped to liberate from apartheid racism and hope that the celebration of that victory will give this World Conference the inspiration to produce the results that will define the 21st century as the century that restored to all, their human dignity.

Thank you.

인도 국가인권기구

NATIONAL HUMAN RIGHTS COMMISSION OF INDIA

Statement at the Plenary by

Dr. Justice K. RAMASWAMY,
Representative,
NATIONAL HUMAN RIGHTS COMMISSION OF INDIA

This World Conference holds, in reality, a mirror to the soul of each of us. First, I would like to say that our Commission fully concurs with the Statement on behalf of National Institutions that has been read out by our South African colleague. The Indian Commission has considered it its duty to listen attentively to those in our country who have been the victims of historical injustices, and who are hurting because of discrimination and inequality. I refer in particular to those who, under our Constitution, comprise the Scheduled Castes and Scheduled Tribes - the Dalits and Adivasis of India - with the protection of whose human rights our Commission is itself deeply involved. It was to hear their voices, and to benefit from an exchange of views with them, and with eminent jurists, academics and human rights activists, that our Commission organized two major consultations in August 2001, in Bangalore and Delhi respectively, as steps preparatory to the formulation of the views of our Commission for this Conference

May I now outline the views of our Commission on certain of the issues before the Conference that are particularly germane to my country. The full text of our Statement is being circulated separately.

There can be no doubt that in India - as everywhere else in the world - history and society have been scarred by discrimination and inequality. It was in recognition of this - and to end such injustice - that our Constitution contained powerful provisions to combat all forms of discrimination, including notably those forms which were based on race, caste or descent. These provisions of the Constitution are justiciable. It can with good reason be said that India has embarked on a programme of affirmative action which is, perhaps, without parallel in scale and dimension in human history. It is all the more remarkable for being undertaken in a country that has demonstrated an unshakeable faith in the capacity of its people to effect fundamental social, economic and political change through the processes of democracy.

Our Commission believes it is essential that all Member States, including India respect the international human rights regime established under the auspices of the United Nations and observe the discipline of the treaties to which they are States Party. In the light of this, our Commission is of the opinion that the exchange of views on human rights matters, whether at the national, regional or international level, can all contribute constructively to the promotion and protection of such rights and that this Conference provides a singular opportunity to the international community to deal openly and courageously with the vexed issues of discrimination and inequality as they exist all over the world, in all of their variety, including the forms of discrimination that persist in India and all other countries. In such a context, it is not so much the nomenclature of the form of discrimination that must engage our attention, but the fact of its persistence that must cause concern. Given this perception, the Commission is of the view that the debate

on whether race and caste are co-terminus, or similar forms of discrimination, is not the essence of the matter. The Constitution of India in Article 15 expressly prohibits discrimination on either ground, and that Constitutional guarantee must be rigorously implemented. In this connection, the Commission believes deeply in the value of engaging Governments, non-governmental organizations, national institutions, and all concerned elements of civil society in the process of fighting discrimination, and urges that this process be conducted at all levels in a spirit that is genuinely interested in the furtherance of human rights, and not vitiated by self-righteousness or by political and other extraneous considerations.

In furtherance of its statutory responsibilities, the Commission has thus accorded the highest priority to ending discrimination against Scheduled Castes and Scheduled Tribes and in seeking to eradicate, in particular, two pernicious practices which largely affect members of these communities: these relate to manual scavenging and bonded labour.

The Commission has also taken up the issue of the rights of persons displaced by mega projects and large dams, many of whom are tribals.

In the final analysis, the Commission believes that the promotion and protection of the human rights of the weakest sections of society are clearly related to their full and proper empowerment. That is why the Commission has urged the adoption and implementation of policies at the Central and State levels that will open the doors of opportunity to them. In addition, the Commission has continued to receive and redress numerous individual complaints that it has received daily from persons, notably Dalits and Adivasis; these have alleged acts of discrimination, "untouchability", violence against the human person, atrocities of various kinds, and high-handedness by public servants and others. Economic upliftment and empowerment of Dalits is the most effective tool to combat casteism. More avenues must be opened for the economic betterment of the disadvantaged.

The Commission is acutely aware that the journey to end discrimination, injustice and inequality will be long and often frustrating. But it is convinced that, in this mission, the Constitution of the Republic has shown the way. Legislative and affirmative action programmes are firmly in place, but unquestionably need to be far better implemented. The Commission is convinced that discrimination on any of the grounds contained in the Constitution of India, and these include race, caste and descent, constitute an unacceptable assault on the dignity and worth of the human person and an egregious violation of human rights. The commission holds the view that the instruments of governance in our country, and the energetic and committed non-governmental sector that exists, can unitedly triumph over the historical injustices that have hurt the weakest sections of our country, particularly Dalits and Scheduled Tribes. This is above all a national responsibility and a moral imperative that can and must be honoured.

ILO; 국제노동기구

International Labour Organization

Statement by

Juan Somavia

Director-General of the International Labour Office

Mr. Chairperson, Dear friends,

This Conference is about intolerance and prejudice. We have changed the Constitutions. We have changed the laws. We have changed the policies. We have even defeated apartheid. But racism is still there worldwide. It may be more silent, less obvious, hidden behind politically correct language. But racism is still there.

Much too often it is blatant, exacerbated by other violations of human rights, where women and children are particularly vulnerable. Whether trafficking or sexual tourism, forced labour, bonded labour and child labour or denial of rights to migrants, minorities, indigenous and tribal peoples and other workers - discrimination is still there. This Conference is about changing all that. It is about moving beyond lip service. It is about a fundamental commitment to upgrading the moral quality of our societies. It is about being proud of shedding racist structures, racist conduct and racist attitudes. It is about being proud of multicultural, multiracial and multi-religious societies, where the dignity of all human beings is respected and protected. We all know that no delegation in this room can stand up and say: My country does not face any of these problems.

Nowhere are these realities more sorely felt than in the workplace. Racism is a workplace issue. Where racism and discrimination exist, workers are faced with them constantly, day by day, as they try to earn a living. And if you are unemployed, they are formidable obstacles to getting a job. Today I want to re-affirm the ILO's dedication to the struggle against racism. I am here leading a tripartite delegation of the Organisation - the Chairperson of our Governing Body and representatives of workers and employers. Our presence among you demonstrates the institutional commitment of the ILO - which is also your organization - to the objectives of this Conference.

We are here to say that the Decent Work Agenda of the ILO is a valuable tool in your hands to implement the conclusions of this Conference. But to allow us to do so, your conclusions must give explicit recognition to fighting discrimination in the world of work. The tools the ILO brings to this task are standard-setting and supervision backed up by technical assistance and social dialogue, with a long tradition of public and private partnerships. The 1998 Declaration on Fundamental Principles and Rights at Work represents a commitment by ILO member States to respect the rights to freedom from discrimination, from forced and child labour, and to freedom of association.

Many of your objectives can be pursued through the ILO Conventions on discrimination in employment and occupation, migrant workers and indigenous and tribal peoples. These Conventions are intended to protect one hundred million migrant workers and their families, and more than three hundred million indigenous and tribal peoples around the world. They also provide protection against forms of discrimination workers suffer that are so widespread and hidden that we cannot even put a figure to them.

We will build on your conclusions to identify additional instruments to combat discrimination in the 21st century. In fact, all the ILO's work is dedicated to the objectives of this Conference. Our Decent Work Agenda is a development agenda. It aims to ensure that all men and women can engage in productive activities with dignity, freedom and security. The expansion of decent employment opportunities for all is essential if exclusion based on race is to be eliminated.

It is also essential if we are to respond to the need for security of individuals and their families, and the need for stability of our societies. We are active in many ways to combat discrimination in the workplace. And we will continue to work with the United Nations to promote the Secretary-General's Global Compact. But to move forward faster, developing countries need much better development opportunities to deliver decent work and reduce poverty. It is because real equality of opportunity is not there that the present model of globalization is losing credibility.

Eleven years ago, in June 1990, just a few months after his liberation, Nelson Mandela came to the ILO Conference - as he said - to recognize the ILO's prominent role in the fight against apartheid. We honoured him and the struggle of the South African people with the longest standing ovation in the history of ILO institutions.

We are here today to reiterate that we will continue to speak out and act against discrimination, racism, xenophobia and related intolerance. It is our mandate, but above all it is our conviction.

곽귀훈(한국 원폭협회 前 회장)

인종주의에 반대하는 국제여성법정

(World Court of Women Against Racism)에서의 피해자 증언

한국인피폭자에게 원호법을 적용하라!

1. 맨 먼저 왜 한국에 원폭피해자가 있는가부터 말씀드리겠습니다. 1945년 8월 일본의 히로시마와 나가사키에 는 일제의 식민정책으로 끌려온 청년들과 삶의 길을 찾아 흘러들어 온 한국인이 7-8만 명쯤 살고 있었던 것으로 추정되고 있습니다. 그들은 6일과 9일에 원폭이 투하되었을 당시 45만 명이 폭사당하고 겨우 목숨을 건져 한국에 돌아온 수는 2만 3천명 정도로 믿어지고 있고 북한과 일본에 남은 피폭자의 수도 1만 명쯤 될 것이라

고 합니다.

2. 다음으로 해방된 조국에 귀국한 뒤, 이들의 생활상을 살펴보면 한마디로 사람다운 삶을 영위하지 못한 비참한 상태였습니다. 그들은 첫째 피폭으로 병고에 시달려야 했고 둘째로 농토나 집이 없었고 셋째로 주위로부터 멸시와 혐오의 대상이었습니다. 병원을 찾을 돈도 없고 약도 없어서 허기와 병고를 견디지 못하면서 죽어갔습니다. 피폭한지 56년 이런 고통이 지금도 계속되고 있는 것이 한국인 원폭피해자들의 실상입니다.

3. 세 번째 우리는 1967년 이후 일본 정부에 피해보상을 요구하는 투쟁을 계속해오고 있습니다. 그에 대해 일본 정부가 어떻게 대응해 왔는가를 말씀드리겠습니다. 처음에는 "65년 한일기본조약으로 청산이 끝났다"고 상대해 주지도 않았습니다. 그러던 차에 한국인 손진두란 사람이 밀항해 가서 검거되니까 "나는 원폭 피해자다. 치료받기 위해서 왔으니 원폭 수첩을 교부해 달라"고 제소했습니다. 3심까지 모두 이겨 겨우 피폭자의 자격을 획득했다고 안심했더니 수첩을 신청한 그 날 후생성 국장이 "이 수첩은 국외로 나가면 무효가 된다"는 통첩을 내려 판결을 뒤집어 버렸습니다. 최고재판소의 판결보다도 더 우위에 있는 것이 국장 통달이며 이 조치는 27년이 지난 오늘날까지도 지속되고 있으니 일본이 법치국가입니까? 그래서 나는 지난 98년에 "재외 피폭자에게도 원호법을 적용하라"는 일본 정부와 오사카부를 상대로 한 재판을 시작해서 지난 6월 1일 완승했습니다.

나는 승소 후 바로 동경으로 가서 일본 정부와 정계 요로에 공소 단념을 호소했고 여론도 비등했습니다만 6월 15일 일본 정부는 공소하고 말았습니다. 우리는 두 번의 재판에서 모두 이겼습니다만 얻은 것은 아무 것도 없어 허탈 상태에 있습니다.

4. 네 번째로는 일본 정부의 한국인 멸시와 차별정책을 살펴보기로 합시다. 전체 피폭자의 10%정도가 한국인 이라고 합니다만 일본 정부는 철저히 한국인 피폭자를 멸시하고 차별하는 정책을 고수하고 있습니다. 처음에는 한일협정에서 청산되었다고 했지만 조약문의 어느 구절에도 피폭자란 문구는 찾아 볼 수가 없습니다. 또 수첩을 신청한 74년 7월 22일 그 날 통첩을 내어 수첩을 무효화시키는가 하면 이번에도 5월 11일에 패소한 한 쟁병 패소때는 공소를 단념했으면서도 원호법 재판은 그것과는 다르다는 애매모호한 논리로 공소하는 것은 우리 한국인 피폭자들이 모두 고령으로 죽어버리기를 기다리는 것으로 밖에는 달리 생각할 수가 없습니다. 우리는 시간이 없습니다. 한국인의 남자 평균수명은 71.7세이고 피폭자의 주류를 이루는 징용공의 연령은 79세입니다. 앞으로 재판이 5년 걸린다고 하면 몇 사람이 살아남아 원호법의 적용을 받을 수 있겠습니까? 피폭 당시 전체의 10%가 한국인이었는데 지금은 그의 1%에도 미치지 못한 2,200명에 불과한 숫자가 그간의 천시와 차별과 방치의 실상을 잘 나타내고 있는 것이라고 하겠습니다.

5. 일본 정부의 이러한 태도는 패전 후 지금까지 내려오면서 조금도 전쟁책임을 지지 않겠다는 그들 특유의 섬나라근성과 선민의식에서 비롯된 것으로 사할린에 잔류한 한국인문제, 종군위안부문제 그리고 최근 역사교과서 왜곡문제 등과 궤를 같이하고 있습니다. 결론적으로 우리는 일본이 과거의 전쟁책임을 깊이 반성하고 사죄해야 하며 피해자들에게 피해보상을 해야한다고 믿고 있습니다. 과거청산없이 아시아 피해국의 국민들이 어떻게 일본을 믿을 수 있겠습니까?

때는 늦었지만 지금이라도 일본정부는 대오각성하여 민족차별정책을 지양함은 물론 피해자들에게 보상하라는 말로 끝을 맺겠습니다.

인종철폐 협약

모든 형태의 인종차별 철폐에 관한 국제협약

International Convention on the Elimination of All Forms of Racial Discrimination

체결일자 및 장소 1965년 12월 21일 뉴욕에서 채택

발효일 1969년 01월 04일

기탁처 UN

【관련사항】

국회동의일 1978년 11월 14일

비준서 기탁일 1978년 12월 05일

발효일 1979년 01월 04일 (조약 제667호)

관보게제일 1979년 01월 06일

수록문헌 다자조약집 제4권

선언내용 제14조 선언

개정사항 1992년 개정(제8조)

비고 1966년 3월 7일 서명을 위해 개방됨.

본 협약의 체결국은,

국제연합헌장이 모든 인간에게 고유한 존엄과 평등의 원칙에 기본을 두고 있으며 모든 회원국이 인종, 성별, 언어 또는 종교의 구별없이 만인을 위한 인권과 기본적 자유에 대한 보편적 존중과 준수를 증진시키고 촉진하는 국제연합의 목적중의 하나를 성취하는데 있어서 국제연합과의 협조아래 공동적 및 개별적 조치를 취하기로 서약하였음을 고려하고,

세계인권선언이 만인은 존엄과 권리에 있어 태어날 때부터 자유롭고 평등함을 선언하고 또한 특히 인종, 피부색 또는 출생지에 대하여 어떠한 종류의 구별도 하지 않고 동 선언에 언급된 모든 권리와 자유를 누구나 향유할 수 있음을 선언하고 있음을 고려하고,

만인은 법앞에 평등하며 어떠한 차별에 대해서도 그리고 어떠한 차별의 고무에 대해서도 법의 균등한 보호를 받을 자격이 있음을 고려하고,

국제연합이 어떠한 형태로든 또한 어디에 그들이 존재하던 식민주의와 그리고 그와 결탁한 차등과 차별의 모든 관행을 규탄하고 1960년 12월 14일자 식민지 및 그 국민에 대한 독립 부여에 관한 선언(총회결의 1514(XV))이 그들을 신속히 무조건 종식시켜야 할 필요성을 확인하고 또한 엄숙히 선언하였음을 고려하고,

1963년 11월 20일자 모든 형태의 인종차별철폐에 관한 국제연합선언(총회결의 1904(XVIII))이 전 세계에서 모

든 형태와 양상의 인종차별을 신속히 철폐하고 인간의 존엄성에 대한 이해와 존중을 확보할 필요성을 엄숙히 확인하고 있음을 고려하고, 인종차별에 근거한 어떠한 우수 인종 학설도 과학적으로 허위이며 도덕적으로 규탄받아야 하며 사회적으로 부당하고 위험하며 또한 어느 곳에서든 이론상으로나 실제상으로 인종차별에 대한 정당화가 있을 수 없다는 것을 확신하고,

인종, 피부색 또는 종족의 기원을 근거로 한 인간의 차별은 국가간의 우호적이고 평화적인 관계에 대한 장애물이며 국민간의 평화와 안전을 그리고 심지어 동일한 단일 국가내에서 나란히 살고 있는 인간들의 조화마저 저해할 수 있다는 것을 재확인하고,

인종적 장벽의 존재가 어떠한 인류사회의 이상과도 배치됨을 확신하고,

세계 일부 지역에서 아직도 실증적인 인종차별의 시현과 또한 인종적 우월성 또는 증오감에 근거를 둔 "남아프리카의 인종차별정책", 인종분리 또는 격리와 같은 정부 정책에 경악을 금치 못하고,

모든 형태와 양상에 있어 인종차별을 신속히 철폐시키기 위한 모든 필요 조치를 채택하고, 인종간의 이해를 증진시키기 위하여 인종주의자의 이론과 실재를 방지하고 격퇴시키며 모든 형태의 인종분리 및 인종차별이 없는 국제공동사회를 건설할 것을 결의하고,

1958년 국제노동기구가 채택한 고용 및 직업에 있어서의 차별에 관한 협약과 1960년 국제연합교육과학문화기구가 채택한 교육에 있어서의 차별 금지 협약에 유의하고,

모든 형태의 인종차별 철폐에 관한 국제연합선언에 포용된 제반원칙을 실행할 것과 이 목적을 위한 실제적 조치의 최단 시일내 채택을 확보할 것을 열망하여,

다음과 같이 합의하였다.

제 1 부

제 1 조

1. 이 협약에서 "인종차별"이라 함은 인종, 피부색, 가문 또는 민족이나 종족의 기원에 근거를 둔 어떠한 구별, 배척, 제한 또는 우선권을 말하며 이는 정치, 경제, 사회, 문화 또는 기타 어떠한 공공생활의 분야에 있어서든 평등하게 인권과 기본적 자유의 인정, 향유 또는 행사를 무효화시키거나 침해하는 목적 또는 효과를 가지고 있는 경우이다.

2. 이 협약은 체결국이 자국의 시민과 비시민을 구별하여 어느 한쪽의 배척, 제한 또는 우선권을 부여하는 행위에는 적용되지 아니한다.

3. 이 협약의 어느 규정도 국적, 시민권 또는 귀화에 관한 체약국의 법규정에 어떠한 영향도 주는 것으로 해석될 수 없다. 단, 이러한 규정은 어느 특정 국적에 대하여 차별을 하지 아니한다.

4. 어느 특정 인종 또는 종족의 집단이나 개인의 적절한 진보를 확보하기 위한 유일한 목적으로 취해진 특별한 조치는 그러한 집단이나 개인이 인권과 기본적 자유의 동등한 향유와 행사를 확보하는데 필요한 보호를 요청할 때에는 인종차별로 간주되지 않는다. 단, 그러한 조치가 결과적으로 상이한 인종집단에게 별개의 권리를 존속시키는 결과를 초래하여서는 아니되며 또한 이러한 조치는 소기의 목적이 달성된 후에는 계속되어서는 아니된다.

제 2 조

1. 체약국은 인종차별을 규탄하며 모든 형태의 인종차별철폐와 인종간의 이해증진 정책을 적절한 방법으로 지체없이 추구할 책임을 지며 이 목적을 위하여

(a) 각 체약국은 인간이나 인간의 집단 또는 단체에 대한 인종차별행위를 하지 않을 의무 또는 인종차별을 실시하지 않을 의무를 지며 또한 모든 국가 및 지방공공기관과 공공단체가 그러한 의무에 따라 행동하도록 보증할 의무를 지고

(b) 각 체약국은 인간이나 또는 조직에 의한 인종차별을 후원, 옹호 또는 지지하지 않을 의무를 지며

(c) 각 체약국은 어디에 존재하든간에 인종차별을 야기시키거나 또는 영구화시키는 효과를 가진 정부, 국가 및 지방정책을 면밀히 조사하고 또한 상기 효과를 가진 법규를 개정, 폐기 또는 무효화시키는 효율적 조치를 취하며

(d) 각 체약국은 어느 인간, 집단 또는 조직에 의한 인종차별을 해당 사정에 따라 입법을 포함한 모든 적절한 수단으로써 금지하고 종결시키며

(e) 각 체약국은 적절한 경우 다종족 통합주의자단체와 인종간의 장벽을 폐지하는 운동 및 기타 방법을 장려하고 또한 인종분열을 강화할 성향이 있는 어떠한 것도 막아야 한다.

2. 체약국은 상황이 적절한 경우 사회적, 경제적, 문화적 그리고 기타 분야에 있어서 특정 인종집단 또는 개인의 적절한 발전과 보호를 보증하는 특수하고 구체적인 조치를 취하여 이들에게 완전하고 평등한 인권과 기본적 자유의 향유를 보장토록 한다. 이와 같은 조치는 어떠한 경우에도 소기의 목적이 달성된 후 별개의 상이한 인종집단에 대한 불평등 또는 별개의 권리를 존속시키는 일을 초래하여서는 아니된다.

제 3 조

체약국은 특히 인종분리와 "남아프리카의 인종차별정책"을 규탄하고 그들 관할권내의 영역에서 이런 부류의 관행을 방지, 금지 및 근절시킬 의무를 진다.

제 4 조

체약국은 어떤 인종이나 특정 피부색 또는 특정 종족의 기원을 가진 인간의 집단이 우수하다는 관념이나 이론

에 근거를 두고 있거나 또는 어떠한 형태로든 인종적 증오와 차별을 정당화하거나 증진시키려고 시도하는 모든 선전과 모든 조직을 규탄하며 또한 체약국은 이같은 차별을 위한 모든 고무 또는 행위를 근절시키기 위한 즉각적이고 적극적인 조치를 취할 의무를 지며 이 목적을 위하여 세계인권선언에 구현된 제 원칙 및 이 협약 제5조에 명시적으로 언급된 제 권리와 관련하여 특히 체약국은

(a) 인종적 우월성이나 증오, 인종차별에 대한 고무에 근거를 둔 모든 관념의 보급 그리고

피부색이나 또는 종족의 기원이 상이한 인종이나 또는 인간의 집단에 대한 폭력행위나 폭력행위에 대한 고무를 의법처벌해야 하는 범죄로 선언하고 또한 재정적 지원을 포함하여 인종주의자의 활동에 대한 어떠한 원조의 제공도 의법처벌해야 하는 범죄로 선언한다.

(b) 인종차별을 촉진하고 고무하는 조직과 조직적 및 기타 모든 선전활동을 불법으로 선언하고 금지시킨다. 그리고 이러한 조직이나 활동에의 참여를 의법처벌하는 범죄로 인정한다.

(c) 국가 또는 지방의 공공기관이나 또는 공공단체가 인종차별을 촉진시키거나 또는 고무하는 것을 허용하지 아니한다.

제 5 조

제2조에 규정된 기본적 의무에 따라 체약국은 특히 아래의 제 권리를 향유함에 있어서 인종, 피부색 또는 민족이나 종족의 기원에 구별없이 만인의 권리를 법앞에 평등하게 보장하고 모든 형태의 인종차별을 금지하고 폐지할 의무를 진다.

(a) 법원 및 기타 모든 사법기관 앞에서 평등한 대우를 받을 권리

(b) 정부 관리에 의해 자행되거나 또는 개인, 집단 또는 단체에 의해 자행되거나 간에 폭행 또는 신체적 피해에 대하여 국가가 부여하는 인간의 안전 및 보호를 받을 권리

(c) 정치적 권리 특히 선거에 참가하는 권리, 보통·평등 선거의 기초위에서 투표하고 입후보하는 권리, 각급 공공업무의 행사는 물론 정부에 참여하는 권리 그리고 공공업무에의 평등한 접근을 할 권리

(d) 기타의 민권 특히

(i) 당해 체약국 국경이내에서의 거주 이전의 자유에 대한 권리

(ii) 자국을 포함 모든 국가로부터 출국하고 자국으로 귀국하는 권리

(iii) 국적 취득권

(iv) 혼인 및 배우자 선택권

(v) 단독 및 공공재산 소유권

(vi) 상속권

(vii) 사상, 양심 및 종교의 자유에 대한 권리

(viii) 의견과 표현의 자유에 대한 권리

(ix) 평화적인 집회와 결사의 자유에 대한 권리

(e) 경제적, 사회적 및 문화적 권리 특히

(i) 근로, 직업 선택의 자유, 공정하고 알맞는 근로조건, 실업에 대한 보호, 동일 노동, 동일 임금, 정당하고 알맞는 보수등에 대한 권리

(ii) 노동조합 결성 및 가입권

(iii) 주거에 대한 권리

- (iv) 공중보건, 의료, 사회보장 및 사회봉사에 대한 권리
- (v) 교육과 훈련에 대한 권리
- (vi) 문화적 활동에의 균등 참여에 대한 권리
- (f) 운송, 호텔, 음식점, 카페, 극장 및 공원과 같은 공중이 사용하는 모든 장소 또는 시설에 접근하는 권리

제 6 조

체약국은 권한있는 국가법원 및 기타 기관을 통하여 본 협약에 반하여 인권 및 기본적 자유를 침해하는 인종 차별행위로부터 만인을 효과적으로 보호하고 구제하며 또한 그러한 차별의 결과로 입은 피해에 대하여 법원으로부터 공정하고 적절한 보상 또는 변제를 구하는 권리를 만인에게 보증한다.

제 7 조

체약국은 특히 수업, 교육, 문화 및 공보분야에 있어서 인종차별을 초래하는 편견에 대항하기 위하여 민족과 인종 또는 종족 집단간의 이해, 관용과 우호를 증진시키기 위하여 그리고 국제연합헌장, 세계인권선언, 모든 형태의 인종차별철폐에 관한 국제연합선언 및 이 협약의 제 목적과 원칙을 전파시키기 위하여 즉각적이고 효과적인 조치를 취할 의무를 진다.

제 2 부

제 8 조

1. 인종차별철폐에 관한 위원회(이후 "위원회"라 함)를 설치한다. 이 위원회는 체약국이 자국 국민중에서 선정한 덕망이 높고 공평성이 인정된 18명의 전문가로 구성된다. 상기 전문가는 개인자격으로 집무하며, 이들의 선정에는 공정한 지역적 배분이 이루어지고 주요 법체계 및 상이한 문명 형태를 대표하도록 고려한다.
2. 위원회의 위원은 체약국이 지명한 후보자 명단에서 비밀투표로 선출된다. 각 체약국은 자국 국민중에서 후보자 1명을 지명할 수 있다.
3. 제1차 선출은 이 협약 발효일로부터 6개월후에 실시된다. 최소한 선출일 3개월전에 국제연합사무총장은 체약국에 서한을 송부, 체약국들로 하여금 2개월이내에 후보자명단을 제출하도록 요청한다. 국제연합사무총장은 후보자를 지명한 체약국명을 명기, 피지명된 전후보자 명부를 알파벳순으로 작성하여 동 명부를 체약국에게 제시한다.
4. 동 위원회 위원의 선출은 국제연합 본부에서 사무총장이 소집한 체약국 회의에서 실시된다. 체약국의 2/3가 정족수를 이루는 이 회의에서 출석하고 투표한 체약국 대표의 최대다수표 및 절대다수표를 얻는 후보자가 위원회위원으로 선출된다.

5. (a) 이 위원회의 위원은 4년 임기로 선출된다. 그러나 제1차 선출에서 선출된 위원중 9명의 임기는 2년만에 만료된다. 이 위원 9명의 성명은 제1차 위원 선출 직후 위원회 위원장이 추첨으로 선택한다.
- (b) 부정기적인 공식의 충원에 있어서 자국 전문가가 위원회 위원직을 상실한 당해 체약국은 위원회의 승인을 받아 자국 국민중에서 다른 전문가를 지명한다.

6. 체약국은 위원회 위원들이 위원회의 제반 임무를 수행하는 동안 이들의 비용을 책임진다.

제 9 조

1. 체약국은 이 협정의 제 규정을 시행하도록 채택한 입법적, 사법적, 행정적 또는 기타 제반 조치에 관한 보고서를 아래와 같이 국제연합사무총장에게 제출하여 위원회의 심의에 회부되도록 한다.
 - (a) 당해 체약국에 대하여 협약의 발효후 1년이내
 - (b) 그후 매 2년마다 그리고 위원회가 요청할 때
 위원회는 체약국으로부터 더 이상의 정보를 요청할 수 있다.
2. 위원회는 사무총장을 통하여 자신의 활동에 관하여 매년 국제연합 총회에 보고하며, 체약국으로부터 접수된 보고와 정보를 검토하고, 이를 근거로 제의와 일반적인 권고를 행할 수 있다. 이러한 제의와 일반적인 권고는 체약국의 논평이 있을 경우 이 논평과 함께 총회에 보고된다.

제 10 조

1. 위원회는 자체의 절차 규칙을 채택한다.
2. 위원회는 자체의 임원을 2년 임기로 선출한다.
3. 위원회의 사무국은 국제연합사무총장에 의하여 마련된다.
4. 위원회의 회합은 통상 국제연합본부에서 개최된다.

제 11 조

1. 체약국이 이 협약의 규정을 시행하지 않는 기타 체약국이 있다고 간주할 때는 이 문제를 위원회에 회부할 수 있다. 위원회는 이 사실을 당해 체약국에 전달한다. 3개월 이내에 당해 체약국은 이 문제를 명확히 하는 문서로 된 해명서 또는 성명서와 더불어 동국이 구제조치를 취한 것이 있으면 그 구제조치를 위원회에 제출한다.
2. 만약 이 문제를 당해 국가에서 1차 통보를 받은 후 6개월이내에 쌍무 교섭이나 또는 양자에게 가능한 다른

절차중 어느 한 수단에 의하여 양측에 동등히 납득되도록 해결되지 않을 경우 양측중 어느 일방은 위원회와 상대방 국가에 통고함으로써 위원회에 재차 이 문제를 회부할 권리를 보유하고 있다.

3. 위원회는 어느 문제에 있어서 모든 가능한 국내적 구제조치가 취하여져 완료되었음을 확인한 후 본 조 2항에 따라 위원회에 회부된 그 문제를 일반적으로 승인된 국제법 원칙에 따라 처리한다. 이것은 구제조치의 적용이 부당하게 지연되는데 대한 규칙이 될 수 없다.

4. 위원회는 자신에게 회부된 어떠한 문제에 있어서도 당해 체약국에게 관련 정보의 제공을 요청할 수 있다.

5. 본조에서 언급된 문제가 위원회에 의하여 심의되고 있을 때에는 당해 체약국은 동 문제가 심의되는 동안 대표를 파견하여 투표권없이 위원회의 의사 절차에 참여하도록 할 수 있다.

제 12 조

1. (a) 위원회가 자신이 생각하기에 필요하다고 보는 모든 정보를 획득하여 비교 대조한 후에 위원장은 5명으로 구성되는 임시 조정위원회(이후 "위원회"이라 함)를 임명한다. 이 위원단의 구성원은 위원회의 위원일 수도 있으며 또 위원이 아닐 수도 있다. 이 위원단의 구성원은 분쟁당사국 전원의 동의를 얻어 임명되며 위원단의 주선은 이 협약에 대한 존중을 기초로 하여 문제를 호의적으로 해결하기 위하여 당해 체약국에서 이용 가능하여야 한다.

(b) 분쟁에 관련된 체약국이 3개월 이내에 위원단 구성의 전부 또는 일부에 대하여 합의에 도달하지 못할 경우, 분쟁에 관련된 체약국에 의하여 합의되지 못한 위원단의 구성원은 위원회의 비밀투표에 의해 2/3 다수표로 위원회 위원중에서 선출된다.

2. 위원단의 구성원은 개인자격으로 집무한다. 이들은 분쟁당사국의 국민이 되어서는 안되며 이 협약의 비체약국 국민이 되어서도 안된다.

3. 위원단은 의장을 선출하며 자체의 의사규칙을 채택한다.

4. 위원단의 회합은 통상 국제연합본부 또는 위원단이 정하는 기타 편리한 장소에서 개최된다.

5. 이 협약 제10조3항에 따라 마련된 사무국은 체약국간 분쟁으로 인하여 위원단이 구성될 때 동 위원단의 사무국으로 이용된다.

6. 분쟁에 관련된 체약국은 국제연합사무총장에 의해 제공되는 추계에 따라 위원단 구성원의 모든 경비를 균등하게 부담한다.

7. 사무총장은 위원단 구성원의 경비를 본조6항에 따라 필요하다면 분쟁에 대한 체약국이 지급하기 전에 지급할 수 있는 권한이 있다.

8. 위원회가 획득하여 비교 대조한 정보는 위원단에서 이용 가능하며 위원단은 당해 체약국에게 기타 관련정보를 공급해줄 것을 요구할 수 있다.

제 13 조

1. 위원단은 문제를 충분히 심의하였을 때 위원회의 위원장에게 보고서를 작성 제출한다. 이 보고서는 당사국간 쟁점에 관련된 사실의 모든 문제에 관한 조사 결과와 분쟁의 호의적 해결을 위해서 적절하다고 생각하는 권고를 내포하고 있다.

2. 위원회의 위원장은 위원단의 보고서는 분쟁에 관련된 각 체약국에게 전달한다. 이 당사국은 3개월 이내에 위원회 위원장에게 위원단의 보고서에 내포된 권고의 수락 여부를 통고한다.

3. 본조2항에 규정된 기간이 경과한 후 위원단의 의장은 위원회의 보고서와 당해 체약국의 선언을 이 협약 타 체약국에게 전달한다.

제 14 조

1. 체약국은 어느 때라도 동 체약국에 의한 이 협약에 규정된 권리 위반의 피해자임을 주장하고 있는 개인이나 또는 개인의 집단으로부터 그 관할권내에서 통보를 접수하여 심사할 권능을 위원회가 보유하고 있다는 것을 승인한다고 선언할 수 있다. 이러한 선언을 하지 않은 체약국에 관련되는 통보는 위원회가 접수하지 아니한다.

2. 본조1항에 규정된 것과 같은 선언을 한 체약국은 자국 법질서 범위내에서 어느 기관을 설치하거나 또는 지정하여 이 기관이 이 협약에 규정된 권리 위반의 피해자임을 주장하고 가능한 국내 구제조치를 완료한 개인과 개인의 집단으로부터 그 관할권내에서 청원을 접수하여 심사할 권능을 가지도록 한다.

3. 본조1항에 따라 취해진 선언과 본조2항에 따라 설치되거나 또는 지정된 기관의 명칭은 당해 체약국에 의하여 국제연합사무총장에게 기탁되고 국제연합사무총장은 이들의 사본을 타 체약국에게 전달한다. 선언은 어느 때라도 사무총장에 대한 통고로써 철회될 수 있으나 이러한 철회가 위원회 앞으로 계류되어 있는 전달에는 영향을 주지 않는다.

4. 청원의 등록은 본조2항에 따라 설치되거나 또는 지정된 기관에 의해 보관되며 이 등록의 인증등본은 내용이 공표되지 않는다는 양해 아래 적절한 경로를 통하여 매년 사무총장에게 보관된다.

5. 본조2항에 따라 설치되었거나 또는 지정된 기관으로부터 만족스러운 구제조치를 받지 못하는 경우 청원자는 6개월 이내에 이 문제를 위원회에 전달할 권리를 보유한다.

6. (a) 위원회는 자신이 받은 통보사항에 대하여 본 협정의 규정을 위반하고 있다는 협의를 받고 있는 체약국

의 주의를 은밀히 환기시킨다. 그러나 해당 개인이나 또는 개인집단의 신원이 자신들의 명시적인 동의없이 밝혀져서는 아니된다. 위원회는 익명으로 된 통보를 접수하지 아니한다.

(b) 3개월 이내에 접수국은 동 문제를 해명하는 설명이나 혹은 성명을 서면으로 위원회에 제출하며 또한 자국이 취한 구제조치가 있으면 그 구제조치를 위원회에 제출한다.

7. (a) 위원회는 당해 체약국과 청원자에 의해 제공된 모든 정보를 감안하여 통보를 받은 사항을 심의한다. 위원회는 청원자가 모든 가능한 국내구제조치를 완료하였음을 확인하지 않는 한 청원자로부터 어떠한 통보도 심의하지 않는다. 그러나 이것은 구제조치의 적용이 부당하게 지연되는데 대한 규칙이 될 수는 없다.

(b) 위원회는 당해 체약국과 청원자에게 제의와 권고를 할 사항이 있을 경우 이러한 제의와 권고를 한다.

8. 위원회는 그 연차보고서속에 이러한 통보의 개요와 적절한 경우 당해 체약당사국의 설명 및 성명과 위원회 자신의 제의와 권고의 개요를 포함시켜야 한다.

9. 위원회는 이 협약 체약국중 최소한 10개국이 본조1항에 따른 선언을 하였을 때에만 본조에 규정된 기능을 행사할 권능을 가진다.

제 15 조

1. 1960년 12월 14일자 총회결의 1514(XV)에 포함된 식민제국 및 민족의 독립허용에 관한 선언의 제 목적을 달성할 때까지 이 협약의 규정은 타 국제기관이나 또는 국제연합 및 그 전문기구에 의하여 이 민족들에게 허용된 청원권을 결코 제한하지 아니한다.

2. (a) 이 협약 제8조1항에 의거 설치된 위원회는 다음 국제연합소속기관으로부터의 청원의 사본을 접수하고 또한 동 기관에 이러한 청원에 대한 명시적인 의견과 권고를 제출한다. 여기의 국제연합 소속기관은 자신앞에 회부되어 있고 이 협약에 포괄된 문제와 관련하여 총회결의 1514(XV)가 적용되는 신탁통치 및 비자치영역과 모든 기타 영역의 주민들로부터의 청원을 심사함에 있어서 이 협약의 제 원칙과 목적에 관한 사항을 직접 취급한다.

(b) 위원회는 본항(a)에 언급된 영역내에서 행정권에 의해 적용되는 이 협약의 제 원칙과 목적에 직접 관련된 입법적, 사법적, 행정적 또는 기타 조치에 관한 보고서의 사본을 국제연합의 권한있는 기관으로부터 접수하여 명시적인 의견을 표명하고 이러한 기관에 대하여 권고를 한다.

3. 위원회는 총회에 대한 보고서속에 국제연합기관으로부터 접수한 청원과 보고서의 개요를 포함시키고 또한 동 청원과 보고서에 관한 위원회의 명시적인 의견과 권고를 포함시킨다.

4. 위원회는 국제연합사무총장으로부터 이 협약의 제 목적과 관련된 모든 정보와 본조2항(a)에 언급된 영역에 관하여 사무총장이 이용 가능한 모든 정보를 요청한다.

제 16 조

분쟁이나 이외의 해결에 관한 이 협약의 제 규정은 국제연합과 그 전문기구의 조직 법규속이나 또는 국제연합과 그 전문기구에 의해 채택된 협약속에 규정된 차별에 관련된 분쟁이나 또는 이의를 해결하는 다른 절차를 침해함이 없이 적용되며 또한 체약국이 자기들 사이에 유효한 일반 또는 특별 국제협정에 따라 분쟁을 해결하는 다른 절차를 채택함을 막지 아니한다.

제 3 부

제 17 조

1. 이 협약은 국제연합 회원국 또는 국제연합 전문기구의 회원국, 국제사법재판소 규정 당사국 및 국제연합총회로부터 이 협약의 당사국이 되도록 권유를 받은 국가의 서명을 위하여 개방된다.

2. 이 협약은 비준을 받아야 한다. 비준서는 국제연합사무총장에게 기탁된다.

제 18 조

1. 이 협약은 협약 제17조1항에 언급된 어떠한 국가의 가입에도 개방된다.

2. 가입은 국제연합사무총장에게 가입서를 기탁함으로써 성립한다.

제 19 조

1. 이 협약은 27번째 비준서 또는 가입서를 국제연합사무총장에게 기탁한 후 30일만에 효력을 발생한다.

2. 27번째 비준서 또는 가입서 기탁 후 이 협약을 비준하거나 또는 가입하는 각국에 대하여서는 이 협약이 동 비준서 또는 가입서 기탁일후 30일만에 효력을 발생한다.

제 20 조

1. 국제연합사무총장은 비준이나 또는 가입시 당사국이 행한 유보를 접수하여 이 협약의 기존 체약국이나 또는 체약국이 되는 모든 국가에 회람한다. 이러한 유보에 반대하는 국가는 동 통보일로부터 90일 이내에 자국이 이를 수락하지 않는다는 것을 사무총장에게 통고한다.

2. 이 협약의 목적 및 취지에 용납될 수 없는 유보는 허용되지 않으며 또한 이 협약에 의해 설립된 기관의 운영을 저해하는 효력을 가진 유보는 허용되지 않는다. 최소한 이 협약의 체약국중 2/3가 유보를 반대할 경우 동 유보는 용납될 수 없거나 또는 저해되는 것으로 간주된다.

3. 유보의 철회는 그 뜻을 사무총장에게 통고함으로써 어느 때라도 행할 수 있다. 이러한 통고는 접수된 날자에 효력을 발생한다.

제 21 조

체약국은 국제연합사무총장에 대한 서면통고로써 이 협약을 폐기할 수 있다. 폐기는 사무총장이 통고를 접수한 일자로부터 1년 후에 발생한다.

제 22 조

이 협약의 해석이나 또는 적용에 대하여 2개 또는 그 이상의 체약국간 분쟁이 교섭이나 또는 이 협약에 명시적으로 규정된 절차에 의하여 해결되지 않을 때 이 분쟁은 분쟁당사국이 이 해결 방법에 합의하지 않는 한 분쟁당사국 어느 일방의 요청에 따라 국제사법재판소에 회부하여 판결토록 한다.

제 23 조

1. 이 협약의 개정은 국제연합사무총장에 대한 통고로써 체약국이 어느 때든지 요청할 수 있다.
2. 국제연합총회는 이러한 개정 요청에 대하여 필요한 경우 취할 조치를 결정한다.

제 24 조

국제연합사무총장은 이 협약 제17조1항에 언급된 모든 국가에게 특히 다음 사항을 통보한다.

- (a) 제17조 및 제18조하의 서명, 비준 및 가입
- (b) 제19조하의 이 협정 발효일
- (c) 제14조, 20조 및 23조하의 접수된 통보 및 선언
- (d) 제21조하의 폐기

제 25 조

1. 이 협약의 중국어, 영어, 불어, 노어 및 서반아어본은 동등히 정본이며 이 협약은 국제연합 문서 보존소에 기탁된다.
2. 국제연합사무총장은 이 협약의 인증등본을 협약 제17조1항에 언급된 부류에 해당되는 모든 국가에 전달한다.

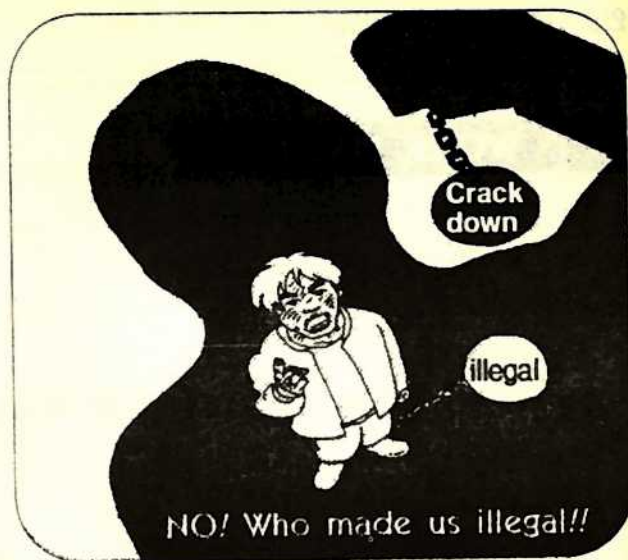
WCAR 옛보기

The Economic Cultural, and Social Rights of Immigrants



Christine Wong, Compañeras

We assert the legal status for migration & working



Although Korea president Kim, Dae-Jung won the Nobel peace prize, DJ government is not taking care of people's lives and threatening workers' right to live. Since South Korea has received financial aid from IMF, it is trying to obey neo-liberalism restructuring program which means only colossal lay-offs. Also, following to capitalists' call, workers more than 60% over total labor market, are employed as an contingent worker and they are not recognized as the worker or protected by labor law in the name of flexibility of labor. On every street people's voice to survive is ringing loud every day though, riot police only beat them to oppress so violently. Therefore, workers including migrants are yelling "We cannot stand it any more!".

Recently, human-hunting was committed in South Korea. Hunters handcuff and confine in the cage as soon as they find the person with the different race, skin color and language while they are lingering everywhere. Hunters banish them from this land forever for they are illegal stayers. Then migrant workers lock the door, hide in their house or workplace and run away to the mountain to avoid merciless hunters' violence. However, we can not understand why migrant workers should escape from hunters. We can not understand why migrant workers should be caught while eating, working, waiting for the bus, walking on the street and sleeping in house. Nevertheless, Korea Gov. committed the cruel crackdown and repatriation against illegal stayer as if they cast a net to fish, far from taking the responsibility for migrants' human rights and labor rights violation. This should be blamed for the international shameless conduct. Korea Gov. and bureaucrats do not recognize migrant workers as human being who has a personality. The crackdown and repatriation in itself and carrying out such a behaviour, are so notorious for human rights violation. Also they usually insult migrant workers visiting for saving their rights even in the government office. Korea police instigated discrimination and prejudice against migrant workers in Korean society through the campaign of raising social alert to 'crime by foreigner' during the crackdown period. The system and administration of Korea Gov. fostering racial discrimination, are depriving of migrant workers' social and cultural rights.

- South Korea Gov. should amnesty all undocumented workers more than 70% of migrant workers, because government has made them of no-rights workers. We want the legal status for working and living in Korea.
- South Korea Gov. should abolish the trainee system without any training. It is a strategy to get the cheap and docile labor by the capital.
- South Korea Gov. should apply the labor law including three labor rights(to unite, bargain, strike) to migrants. This kind of discrimination against workers should be eradicated.
- South Korea Gov. should ratify the international convention on the protection of the rights of all migrant workers and members of their families.

August 2001

NGO network for WCAR in South Korea

WCAR 2001

Race and Rights of Refugees in South Korea

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After South Korea signed 'the 1951 Convention Relating the Status of Refugees' in 1992, as of this May, 110 foreigners have applied for refugee status to the Korean government. The number of foreigners applying for such status is still growing. However, presently only one among these people has been officially granted refugee status by the Korea government. Compared to last year's average 19.9% of granted refugee status in the international community, the South Korean government's status granting record is extremely low.

It is not to say that the granting rate itself is the sole most important thing. However, as aforementioned, rather than the actual granting, the importance lies on procuring fair and transparent examination procedures with rational decisions when considering individuals for refugee status. In this light, unreasonable immigration regulations and procedures related to the status granting examinations are among the biggest problems of the South Korean government's refugee policies. Moreover, it is undeniable that underneath these regulations lies a culture of ethnocentrism, exclusive nationalism, and xenophobia that takes root in a homogeneous ethnicity.

• A Homogeneous Ethnicity, Xenophobia, and Refugees

A majority of Koreans might think that racial discrimination does not stand as a trait of the Korean society. However, we believe such discrimination is pervasive throughout the Korean community. From ethnic Chinese who have been settled in South Korea for about 100 years, migrant workers, to even Koreans with mixed blood have been faced with cruel discrimination. Moreover, refugees are not considered eligible for human rights protection, and even there exists xenophobic tendencies caused by irrational perceptions such as fear of the increase of a mixed blood population due to interracial marriages of both foreigners and refugees with Koreans.

Koreans have been reluctant to accept "foreigners" into their community on the grounds that they are of different ethnicity, race, and nationality without due consideration of their mentality, capacity, and situation. Racial discrimination amounts to only a self-assuring selfishness that springs from a feeling of superiority by demeaning the other person for any reason given. The Korean people feel wronged and angered when being discriminated abroad for their race and nationality, yet in the light of their discrimination against foreigners, it is clear that the Koreans possess a double-sided conscience.

• Problems in the Refugee Status Determination System

Not only in the Korean society, but in each society of the world as well, racial and gender discrimination, along with authoritarian and xenophobic tendencies are pervasive, and these, in fact, deprive human beings of their dignity and freedom. The apathetic and even hostile disposition towards refugees and asylum-seekers is conspicuous in the attitudes of the government of the host country, media and general public, and this tendency is made evident by the racism and xenophobia and passive domestic law towards the refugees. Each country's system regarding either entry permissions or status granting procedures is being misused so as to hinder entry admissions or even the status application filings. Such misapplication of regulations spreads to other forms of ill treatment such as discriminatory detentions, limited benefits, and restriction on free mobility, education, and labor rights. Under such system, even if the applicant should be eligible for refugee status from the host country, the refugee would find himself alienated and excluded from most social benefits.

Notwithstanding that Korea, as a member of the Executive Committee for UNHCR(EXCOM), has the international obligation of providing refugees with active policies that secure and guarantee their rights, the Korean government tends to shirk away from the plight of the refugees. Although the Korean government claims its refugee status determining system to be in line with the international standards, it is clear that such system has many flaws and limitations as stated below.

(1) Excessive Imposition of Proof Responsibility

The Korean government gives lack of substantive proof of qualification as the foremost reason for refusing to grant refugee status to asylum-seekers. The government seems to have a strong prejudice that in most cases, applicants have entered the country for economic reasons and they seek for refugee status as a means to lengthen their residing period as their legal staying period has expired. The actuality of the Korean government as imposing excessive burden of proof on the asylum-seekers is shown by the fact that among the applicants there are five recognized as mandate refugees by the UNHCR and that most of applicants are from countries such as Afghanistan, DR Congo, Iraq, and the like, where it is politically unstable and where human rights are pervasively violated.

In most situations people who have fled from oppression and seek for asylum barely carry around any necessities, an identification card or document in their possession. Therefore, it is international custom to give the benefit of the doubt to an asylum-seeker, if the given claim is coherent, convincing, and

trustworthy and there is no considerable reason that goes against it, even if the necessary evidence to prove the claim is insufficient. However, the Korean government does not share the burden of proof with the applicant, thus the asylum-seeker has the responsibility to present tangible evidence to be eligible as a refugee.

In the Committee on Economic, Social and Cultural Rights(CESCR) held in last April in regards to the 2nd periodic report by the Korean government on the implementation of the International Covenant on Economic, Social and Cultural Rights, there was an expressed concern on the strict regulations practiced by the Korean government in determining refugee status.

<Chart 1> Present processing situation of the Asylum applications (As of May 2001)

	1994	1995	1996	1997	1998	1999	2000	2001	Total
Applied	5	3	4	12	26	3	44	13	110
Recognized								1	1
Rejected	4	1	1	8	26	1			41
Withdrawn	1	2	3	4			1	1	12
Pending						2	43	11	56

Source: Ministry of Justice

<Chart 2> Asylum applications and Refugee Status Determination by Nationality (As of May 2001)

	Applied	Recognized	Rejected	Withdrawn	Pending
Nigeria	3			2	1
Liberia	4		2	1	1
Rwanda	2				2
Myanmar	21			1	20
Somalia	3			1	2
Afghanistan	5		5		
Algeria	18		14	4	
Ethiopia	2	1			1
Iraq	3		2		1
Iran	10		8	1	1
DR Congo	26		5		21
Pakistan	4		3		1
Others	9		2	2	5
Total	110	1	41	12	56

Source: Ministry of Justice

(2) Incoherent Criteria for Determining Refugee Status

The government's decision to grant the first refugee-status to an asylum-seeker last February has been criticized as an act of a mere political show. The reason for such skepticism lies on the fact that many other applicants with similar background have been rejected. As mentioned above, even on the cases in which the UNHCR has designated as being mandate refugees, the Ministry of Justice has refused to grant them such status arguing there's lack of sufficient evidence. It was hoped that the establishment of the UNHCR branch office in Seoul last April would galvanize the Korean government to take more heed to the plight of the refugees and yet almost nothing has changed since then. The government has been asked constantly to let the UNHCR participate in the Committee for Determining Refugee Status, an inter-government agency, so as to properly establish the standards and the overall process of the eligibility examination and to systematize the administration of the refugees and consequently ensure transparency of the process. However, the government has not shown any plans to cooperate with the UNHCR.

(3) Unreasonable Time limit for Appeals

Applications for refugee status have to be filed within 60 days from the date of entry into the country. Last February the Ministry of Justice suggested the amendment of the Immigration Law to extend of this period to one year. Notwithstanding, the Immigration Law still harbors many problems and shortcomings. There is an opinion that one year rule also violates the 1951 Convention which does not prescribe any limit of the period for application. Moreover, Article 76 (4) of the Immigration Law limits the period for presenting an appeal within 7 days. Obviously, this is an extremely short period for the asylum-seeker to prepare the necessary resource materials. Meanwhile, since both the application and the appeal are reviewed by the same agency, the possibility of a decision to be overturned is quite low. So far, there are no cases in which the refugee status has been granted through an appeal.

(4) Lack of Professionalism of the Agency in Charge

The department within the Ministry of Justice that is in charge of refugee-related matters has been marked by inefficiency. According to the Immigration Law the Justice Minister is in charge of the final decision regarding the refugee eligibility. However, the actual application filing, interviewing, and fact verifying are done by immigration officials working in the Inquiry Department of the Immigration Bureau. As known, the main work of these officials is to keep control over illegal immigrants. Consequently, the concept of human rights is most likely to be remote to these officials when they handle interviews and inquiries of the asylum-seekers.

Meanwhile, the applicants are from different parts of the world, thus, the languages that they speak range from French, Chinese, different languages from African minorities, and several others. Yet, funds to hire interpreting services and solutions to facilitate communication are barely used. The Ministry of Justice argues that it has well-equipped interpreting personnel and that no difficulties have been faced regarding the actual communication with the asylum-seekers. However, in reality, there are many cases in which an applicant has not been able to present his case in a detailed and precise manner due to the meager interpreting services used by the Ministry.

• Treatment of the Refugees and Asylum seekers

At present, policy-wise and materially, the government gives barely any aid to asylum seekers. Countries such as Germany and Australia do not allow applicants to work, yet they provide them a limited amount of monetary aid and health care. Such kind of aid is critical in Korea, since the application examination period can last from a minimum of 6-12 months to a maximum of 3 years. The economic and social hardships that these applicants go through this period are hard to ignore.

Even the policy in regards to the material and political support that should be given to a recognized refugee is unclear. The legal position and residence qualifications of a refugee are not stated clearly in the Immigration Law, thus, the rights of a refugee regarding education, labor, and welfare are not unquestionable. Even in the case of the African person, recognized as refugee last February, so far only a foreign registration card (solely for identifying purpose) has been issued. This refugee is known to have not received any welfare benefits, including work placement and health care, in order to lead and maintain a humane life.

The Korean government alleges that the applicants are indeed employed and thus are able to receive welfare benefits guaranteed by their work. Thus, the government argues that there is no special need for them to give these applicants any more benefits in regards to monetary aid and health care. Such treatment reflects that the government is still trapped in its prejudice that the applicants are illegal migrant workers that have entered the country for economic purposes, and through such biased perception they have ignored completely the situation that these applicants live in. This shows clearly the government's lack of effort in understanding the harsh reality of these applicants, making these people live in ever more deteriorated conditions. In reality, in order to survive day by day, many of these applicants try to get any type of job and usually end up working on one-day basis or as a migrant worker. Yet, even after they get such jobs, due to the frequent interviews required by the Ministry of Justice, these applicants have to be absent from their work quite often and eventually get laid off. The government's claim that these people are employed and enjoy welfare benefits is just a mere act of play on words, distorting the reality.

As explained so far, the pursuit of a homogeneous ethnicity based on blood lineage and exclusive nationalism of the Korean society pose as roadblocks on the fair treatment of asylum seekers and refugees and such perceptions are being institutionalized through the refugee-status determination process and related practices. This situation will not change by simply amending the Immigration Law so as to place the national guidelines in line with the international standards. Only acknowledging the deeply-rooted nationalism and xenophobia and overcoming them can achieve a more in-depth improvement.

The time has come to finally overthrow the ethnocentric ideologies. Race, ideology, religion, and ethnicity: these are the actual materialization of antagonistic tendencies all having caused hideous wars at the cost of many lives and the deterioration of the human spirit.

Unfortunately, the Koreans have been slow to admit and acknowledge that such conflict exists in their community. The Koreans may seem to advocate for a 21st century that can achieve an integrated and open community, universality, and a society that respects humanism and cultural diversity. Yet, the Korean nation is one that is still trapped in a bundle of laws and regulations that reflect a nationalistic and ethnocentric mentality. The basic human rights policies that the Korean society adopts towards foreigners and refugees will be the barometers for the treatment that Koreans residing abroad, who can at any time become refugees themselves, receive.

Join the Protest performance for urging apology and compensation for war victims of Japanese gov't

DATE : 3rd September 2001

01h00

**VENUE : 11 Walnut Road
(opposite side of ICC main entrance)**

We URGE against Japanese gov't as follows :

End distorting war aggression and colonial domination in history textbook !

Apologize and compensate for all sexual slavery 'comfort women' during the war !

Compensate for A-bomb victims and apply Relief Law to all victims living outside Japan !

End xenophobic policy and racial discrimination against foreigners esp. migrant workers !

NO TO NEO-MILITARY NATIONALISM

NGO Network in South Korea for WCAR 2001

Japan should sincerely perform recommendation of UN, and apologize heartily toward war victims!

We worry about the extreme right wing tendency of Japan - a never changed country that distorts historical facts, ignores Asian people's pains of war country; as she is trying to revise the Peace Constitution for becoming a war-able country. Furthermore, we can't help angry as Japan has repeatedly ignored recommendations of UN in 1999 and 2000. Japan, enabling to perform a war by concluding a bilateral treaty with USA in 1998, designating its national anthem and national flags in 1999, and legislating related laws endowing the country to dispatch troops to neighboring countries such as Korea, is now provoking other countries as the Prime Minister worshiped for the war criminals' shrine while other countries are angry of Japan's intention to disorient the history by revising new history text books. We think Koizumi, PM of Japan is now showing his intention to resurrect the country's history of war. In a way, we think it is Koizumi's nature, as he never considers!

The problems of forced drafted people during the World War II, and he never moves upon international society and Asian people's arguing for compensation and apology.

But, if Koizumi regime wants to join as a member of Asian and world community, he should sincerely reflect his wrongdoing and should burden the country's responsibility. The reflection and responsibility are given to the Japanese government and the violating enterprises.

We think that the problems of the past including the matter of comfort women will not be solved if Japan's attitude is not changed. Therefore, we will struggle to achieve Asia's peace with the peace-loving people in Asia in order to obtain Japan's apology and compensation upon war victims, and to stop Japan's tendency for becoming a war-able-country carried by the extreme right wing of the country.

So, we, Korean participants of WCAR are asserting as follows:

1. Japan should stop legislating war-enabling laws, and militarism attempt.
2. Japan should confirm and apologize for its aggressive war, and should compensate for victims and being violated people!
3. Japan should describe its history textbook correctly, and should perform the conclusions of UN urging that human rights education should be conducted!

Protecting the Rights of immigrant **Workers**



Gregory Orduyan, Dineros



International Movement Against All Forms of
Discrimination and Racism (IMADR) Japan Committee
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Tel/Fax: (+81)3-3568-7709
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7 August 2001

To Mr. Prime Minister Junichiro Koizumi

Kinhide Mushakoji, President, IMADR Japan Committee

**Statement against the approval and adoption of textbooks
made by the Japanese Society for History Textbook Reform**

We, IMADR-JC, strongly protest against the Japanese government for allowing the junior high school history and civics textbooks made by the Japanese Society for History Textbook Reform to pass the screening process. We also firmly oppose the adoption of the textbooks by some municipalities.

The Japanese government approved of these textbooks that try to transmit a distorted version of facts about Japan's colonialist rule, invasions, occupations, massacres and rape under the colonial rule. Moreover, the Japanese government refused to make corrections to the textbooks as requested by the Chinese and Korean governments, as well as victims in and outside Japan, and non-governmental organizations. This means that the Japanese government itself justifies a war of aggression, invasion and colonization of its neighboring countries as a 'war of liberation', liberating Asian people from European and American subordination.

The textbooks neglect the three great principles of the Japanese Constitution, born out of the acute reflection on the war that produced numerous victims: people's sovereignty, respect for fundamental human rights, and pacifism. They proclaim a state-centered, xenophobic and racist philosophy over human rights. Furthermore, they call for the need to build a nation that can go to war by glorifying the 'myth of the Emperor', emphasizing an Emperor-centered Japan, and acquitting the Emperor from his responsibility in war. In addition, the textbooks are full of descriptions that are discriminatory against and disdainful of women, defending fixed gender-based roles and the so-called 'ie' (household) system, thereby contradicting the recent developments towards establishing women's human rights promoted by women around the world who had broken their silence.

In September the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance will be held in Durban, South Africa. At this Conference, all governments will discuss on racism, racial discrimination, xenophobia, compensation for past invasions, colonial rule and related intolerance. The Korean government, whose request for correction Japan refused, decided to demand, together with China and North Korea, the addition of the words, 'necessity for education on past history' in the Declaration and Programme of Action to be adopted at the Conference. Moreover, the three countries are planning some joint actions on this issue in Durban.

The draft Programme of Action states that priority should be given to mainstreaming in education of the presentation of a correct history, the correction and revision of textbooks and curriculum, and teaching of respect for and understanding of the history of minorities and neighboring countries, with a view to combating racism, racial discrimination, xenophobia and related intolerance. Compared to such developments at the international level, it is clear that the Japanese government is ignoring the role it should play in the international society.

We cannot but fear that the issue of textbooks, as well as the current moves towards an undesirable amendment of the Japanese constitution, ignoring the original spirit of acute reflection on war and desire for peaceful co-existence of Asian peoples, and the visit by Prime Minister Koizumi to the Yasukuni Shrine, are contradictory to the promotion of international solidarity at the citizen's level.

The series of actions by the Japanese government totally ignore the 1998 Japan-Korea Joint Declaration expressing apologies and regrets on the damages inflicted upon Asian countries, and many recommendations by the international society including the United Nations. They contradict Japan's past official views and international commitments it made.

We demand that the Japanese government respond sincerely to the requests for correction made by Korean and Chinese governments, and to the voices of victims. We demand that it recognize, reflect on, and compensate for its colonialism, invasions, occupations, massacres and rape under the colonial rule. We demand it make efforts to explain, and seek understanding of, Japan's desire for peaceful co-existence with Asian peoples.

Lastly, concerning the adoption of textbooks by each educational board, we stand against the adoption process that does not reflect the opinions of the teachers. We urge the educational boards not to yield under the pressure from the Japanese Society for History Textbook Reform, to maintain the educational spirit described above, and to ensure that teachers and parents can take part in the adoption process.

일본에서의 조선녀성에 대한 민족차별에 대하여
조급한 과거의 정산과 식민지희생자들에게 진심으로 되는 사죄를

재일본조선인인권협회 김정인(반인종주의 세계여성법정에서)

저는 일본에서 태어난 조선사람입니다. 일본의 식민지 지배에 의하여 집과 토지를 잃은 할아버지가 1928년에 살길을 찾아 마지못해 아직 어린 저의 아버지를 데리고 일본땅으로 건너 왔습니다.

일본이 조선을 식민지로 한 1910년 이래 조선반도에서는 일본의 침략적인 <토지조사사업>이나 <민족말살책동> 등에 의하여 저의 할아버지와 같이 대대손손 지켜 온 토지나 가옥, 민족의 말과 이름까지도 빼앗겨 마지못해 일본에 오지 아니할 수 없었던 조선사람은 많습니다. 그뿐이 아니라 일본제국주의가 중국이나 아시아 각국에로의 침략전쟁을 일으키기 위해 수백만 조선사람이 일본각지의 군수공장과 탄광, 광산 등에 강제로 끌려가 가혹한 노예로동을 강요당하였습니다. 그속에는 종군위안부(성노예)로 끌려간 여성들도 많이 포함되어 있습니다.

1945년에 조선반도는 식민지 지배에서 해방되었으나 조선반도의 남북분단과 조국해방전쟁의 발발, 또 여러 사정으로 고향에 돌아가지 못했던 사람들이 그후에도 일본에서 살게 되었습니다. 해방후 반세기가 지난 오늘날 일본에는 약 60만명의 조선사람이 거주하고 있습니다만 그들 모두가 지금 내가 말씀드린 일본식민지 지배의 피해자와 그 자손들인것입니다.

일본정부는 식민지 지배의 피해자에 대하여 단단히 배상도 사죄도 안하고 그렇기는커녕 그 자손들인 일본에서 사는 우리 조선사람들에 대해서도 조선사람이란것을 이유로 법률상, 제도상 차별을 강요하고 있습니다. 식민지 지배의 직접적인 피해자인 고령자는 사회보험제도의 적용으로부터 제외되어 연금을 받지 못하며 생활형편은 대단히 어렵습니다. 많은 조선인자제들이 다니는 조선학교는 일본의 문부성이 인정하는 정규의 학교가 아니라는 이유로부터 일본정부는 조성금을 내지 않고 더군다나 조선학교 졸업생한테는 국립대학의 수험자격조차도 인정하지 않은 판입니다. 또한 지난날 식민지 지배시대에 꾸며진 조선사람에 대한 차별과 멸시

, 편견을 해소하기는커녕 방치하고 용인도 하여 왔기 때문에 사회의 이르는 곳마다에서 조선사람에 대한 편견과 차별의식이 남아 있습니다. 조선사람이라는 것을 이유로 하는 취직차별과 갑작스러운 해고 등은 조선사람이라면 누구나가 경험하고 있어 주택아파트도 쉽게 빌리지 못합니다.

지난날 일본식민지 지배에 의하여 조선반도에서 사람, 물건, 모든 것이 송두리채 빼앗겼으나 바로 그 식민지 지배의 유산이라고도 할수 있는 재일조선인도 식민지 지배가 끝나 반세기가 지난 오늘날도 아직 일본정부부터 생존권, 일하는 권리, 교육의 권리, 그리고 조선사람으로서 사는 권리를 빼앗기고 있습니다. 바로 의피만을 바꾼 새로운 식민주의가 의연히 우리들에게 들씌우고 있는 것입니다.

이러한 정황속에서 일본사회의 조선인차별을 로골적으로 상징하고 있는것이 조선인자녀에 대한 폭행, 폭언사건입니다.

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조선학교는 해방직후 자녀들에게 민족의 언어와 문화를 유지, 계승시킬것을 목적으로 하여 식민지 지배의 직접적인 피해자인 당시 일본에 있었던 조선사람들이 자주적으로 설립한것이며 현재는 일본각지에 123교 있습니다. 설립이래 이제까지 조선학교의 학생에 대한 폭행, 폭언사건은 빈번히 일어나고 있습니다. 그러나 이 10년간 일본정부의 우경화, 군국주의화가 심각하게 진행되는속에서 그 건수는 급증하고 수법도 악질화되어 있습니다.

아직 8살난 소녀는 돌아 갈 길의 전차칸에서 <조선사람은 조선에 돌아 가라>고 몇번이나 몸을 툭툭 찼으며 11살난 소녀는 등에 멘 통화가방이 누군가에 의해 몇번이나 칼로 수개소 찢기였습니다. 고급부 3학년의 소녀가 집으로 돌아 가는 전차칸에서는 접근해 온 남자가 <너 조선사람인가 머리칼을 자른다>고 가위를 휘둘렀습니다. 또 고급부 1학년의 소녀는 집으로 향하는 도중의 역에서 두명따위 젊은 남성이 갑자기 접근해 와 귀전에서 <너 조선사람이지>라 말하자마자 옆구리를 찼습니다. 다행

히도 상처는 심하지 않아 소녀는 역구내의 위생실에 도망쳐 그 후 한시간쯤 공포에 떨려 움직이지 못했던것입니다. 또한 조선학교에 대하여 못되게 놀아 <치마저고리를 입은 녀학생을 탐치하여 알몸으로 독에 버려 주겠다>, <학교의 물탱크에 독을 부었다> 등의 협박전화도 결코 적지 않습니다.

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이렇듯 아무런 죄도 없는 소녀들이 민족의상인 학교복을 입는것만으로, 그것도 통학길의 도중에 칼로 찢린다는 악질한 민족차별에 의한 중대한 인권침해가 일본전국에서 발생하고 있다는데 그 범인은 단 한사람도 잡히지 않고 있습니다. 일본정부도 조선학교에 다니는 녀학생들을 지키기 위한 구제조치나 예방조치를 즉시로 취하고 민족차별이나 편견을 없애기 위한 노력을 마땅히 해야 하는데 그렇기는커녕 이러한 사태를 심각하게 받아 들이지 않고 방치하고있는 상태입니다. 이것은 일본정부가 이때까지 식민지 지배에 대하여 사죄와 보상을 방치하여 온 사실과 똑같은것입니다. 조선인녀학생에 대한 폭행사건은 일본정부의 그러한 온갖 태만이 일으킨 국가적범죄라고도 할수 있을것입니다.

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Urgent Appeal :
Equal Social Protection For Koreans!

The Association of Korean Human Rights in Japan

Social Discrimination Against Foreigners Should Be Corrected:

The Japanese government excluded foreigners including Koreans from the benefit of the national pension system for more than 20 years from when it was established. Currently, elderly Korean and Chinese people, who are the direct victims of the Japanese colonization and wars of aggression, still remain at a disadvantage although they desperately need the support from the national pension system. The same is true for disabled Koreans in Japan.

Residential rights for the people living in Utoro!

In addition, the Japanese government fails to protect the residential rights of Koreans, who were forced to work in munition factories and mines during the colonial period. In the Utoro region of the Kyoto prefecture, those who were forced to build the airport for the Japanese wars of aggression and their descendants, about 230 people, are about to be evicted from their homes. The government has not taken any measure to prevent this from happening.

Urgent necessity of protection for the victims of the Atomic bomb living outside Japan

There were many Koreans among the survivors of the A-bomb explosions in Hiroshima and Nagasaki. After they went back to their hometown in Korea, the Japanese government excluded Korean A-bomb survivors from the A-bomb Victims Relief Law. Korean victims have the same right to be protected and treated as the ones living in Japan.

※ The Association of Korean Human Rights in Japan is an organization of experts and research specialists including lawyers, certified public accountants, and judicial scriveners, which was established with the idea of protecting the human rights and lives of Korean residents in Japan. Our work includes consultation, violation against Human Rights, research for elimination of systematic discriminations, and other human rights activities.

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Tona Wilson, The Guy from Immigration

RACIST practices: Anti-Immigrant Law Enforcement



Let us bury racism and Xenophobia at the workplace to build a non-racial future

**Join the Global March against racism on the 1st
september 2001 in Durban**

COSATU and the entire working class keenly awaits the forthcoming world conference against racism and xenophobia, where we will see all of the world's people gather in Durban to exchange ideas on how to build a world free of racism.

We are happy that the United Nations chose our country to host this conference. This, they did because they remember too well the recent history of South African people and their struggle against racism.

Various organisations who are committed to the continuing struggle against racism will also partake in the conference of various governments which is scheduled to start on the 1-7 September 2001.

As the largest trade union federation and a leading component of South Africa's working class in the country, we welcome this conference, delegates and world leaders.

Since 1994, South Africa has remained exemplary to the world in its efforts to rid her society of racism. However, Racism has not been eradicated yet. The struggle against racism and all forms of oppression must be fought more than ever before.

Racism is actually on the rise both here in South Africa and many other countries around the globe, particularly in the North. For example the world has seen the growth of racist parties emerge and winning numerous seats of parliaments in France, Norway and many European countries. In addition, the world has witnessed the growing hatred and racial conflict in United Kingdom.

Racism in the workplace continues despite the existence of laws prohibiting such a practice. Workers, a majority of who are black are still living of poverty wages, no access to education and training and other opportunities, which are aimed at transforming the apartheid labour market.

What are the challenges for the conference?

COSATU demands that the conference should not be just another meeting where we adopt resolutions and do nothing thereafter. In this context, we believe that there should be thorough discussions on the sources and current manifestations of racism, measures for public education and information.

We challenge delegates not to turn a blind eye to the problems of poverty, inequality, racism

facing the working class internationally. We call for honesty in dealing with the crisis and the occupation of Palestine, that it is an act of aggression, a form of racism, and fundamentally denies the Palestine people of their right to national sovereignty.

Finally, the conference should come with mechanism to enforce equality of all people and therefore international law should be affected.

Forward to a global March against racism

COSATU believes that racism and all forms of discrimination are linked to who owns what resources. We believe that the excluded and the discriminated are the poor, the women and the their countries. Racism is directly linked to colonialism and capitalism.

To this end, countries that have been victims of colonialism are still reeling from the effects of balkanisation and dispossession. We maintain COSATU's long held view that rich countries have reached that stage by exploiting poor people through slavery and subjugation.

We will continue to press for a fair world order that acknowledges this past. We will also press for the restructuring of the United Nations and its institutions such as the IMF, World Bank and the World Trade Organisation.

Lastly, we believe that no single nation should be allowed to determine the agenda of what should be discussed in Durban. The intimidation tactics that the US government has been using to force the UN to remove

items such as Zionism and reparation cannot be tolerated.

All nations of the world should be equal when coming to racism and therefore if the Bush administration does not believe in the two issues, it must come to the conference to convince all of us about these matters.

We in COSATU support the need for compensation or support to the victims of apartheid and any other form of racism. We believe that state and society as a whole should take responsibility for ensuring that all those our peoples across the world who have been victim of racial discrimination do benefit from reconstruction and development efforts currently underway.

We believe that the best form of reparations for those of our people, who reside in developing countries, is the scrapping of the odious debt owed by these countries to the IMF and the World Bank, increasing the voice of the countries of the South.

For us reparations mean financial compensation to individuals. Instead reparations can longer be addressed without re-examining the role of big financial institutions such as the World Bank and the IMF in perpetuating poverty and inequality among the poor countries.

COSATU therefore calls on all workers, the youth, women and all our communities to join the global march against racism, xenophobia that will take place on the 01st September 2001 in Durban to press for the demands we mentioned above.

**Forward to Non-racial Future!
Forward to Socialism!**

WHY WE CAME TO DURBAN...

"We must unite in the first instance, history. Who we are, our present conditions and where we must go..." Viola Plummer, Chairperson, for the December 12th Movement International Secretariat (U.S.)

THE OBJECTIVES:

Declaration of the Trans-Atlantic Slave Trade, Slavery and Colonialism as Crimes against Humanity
Recognition of the Economic Base of Racism

Reparations for African People in the Diaspora and on the Continent

THE ORIGIN:

In January, 1998, following the General Assembly's call to convene the UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the December 12th Movement I.S. identified the three issues above as key to the conference's success.

We selected these objectives based on an historical analysis combined with our direct experience at the United Nations. After 12 years of human rights work in the United Nations, and attending three UN World Conferences, we knew we could only achieve our objectives at the WCAR with a focused agenda. These objectives were inspired by the colossal minds and leadership of the titans of the African world, from slave revolts and freedom fighters such as Martin Delaney, Harriet Tubman, W.E.B. Dubois and Marcus Garvey, of yesterday, to Nkrumah, Cabral, Machel and Malcolm X of the current period. They taught us that Black people's struggle could only advance by moving beyond the built-in restrictions of our oppressors. We must look further than so-called civil rights and slave tainted constitutions to human rights issues and to the international arena with its public fora, such as the UN's WCAR.

THE PLANNED UNDERDEVELOPMENT OF AFRICAN PEOPLE:

From that perspective we concluded that what basically characterized the condition

of African people around the world was "planned underdevelopment." Whether we existed as an oppressed nation within the US, a neo-colony on the African continent or in the Caribbean, a racial minority in Uruguay or nearly one half the population of Brazil, we all were victims of underdevelopment. We all face the highest rates of inhuman living conditions.

THE CRIMES AGAINST HUMANITY AND THE CRIMINAL ENTERPRISE

The Papal Bulls of the 15th century, further consolidated by the Berlin Conference of 1884, leading to the current IMF and World Bank activities today, taken as a whole reflect the organization and consolidation of a criminal enterprise of international proportions. The actions of this enterprise which would be more recognizable if expressed in terms of "organized crime," have been hidden under years of historical myths and outright lies concerning the basis for the accumulation of the wealth of the European countries and their former settler colonies, e.g. US, Canada, Australia, etc. This criminal enterprise of nations, trans and multi-national corporations have conspired to underdevelop Africa and its descendants up to the present. Expropriating our lives, labor, and land through a thousand and one threads of illegal activities, covered by a framework of institutional "legality."

There is no precedent for our situation.

The existence of 40 million nation less people in the US alone, and the 50 million lost in the Maafa, stands by themselves in history. The designation of African people's historical suffering as a "Crime against Humanity" is an indisputable fact.

The Trans-Atlantic Slave Trade was a double-edged sword, which effected continents on both sides of the Atlantic. Not only did the Africans kidnapped to the so-called "New World" suffer but so did those left behind. The African continent's current state of criminal underdevelopment is directly tied to the loss of human power it suffered from the millions who were stolen. This loss was compounded by Europe's colonization of the continent itself, a colonization that continues to this day, albeit in a neo-colonial form. Colonialism is racism. And we cannot separate the vicious murders of African freedom fighters from this criminal enterprise. The deaths of Lumumba in the Congo, Cabral in Guinea Bissau, Samora Machel, etc., are vicious criminal tactics to sustain the underdevelopment of African people.

REPARATIONS:

The demand for reparations for African people is a just one and a simple one. It is simply the attempt to "repair," to "make whole" the descendants of the victims of a crime against humanity. Crimes against humanity have no statute of limitations. And the descendants of the victims of these crimes still suffer from the vestiges of their enslavement and colonization. On the African continent and in the Caribbean, the planned underdevelopment has forced former colonies to indebted themselves to Western countries and institutions (e.g. the IMF and World Bank). Forgiveness of the debt must be accompanied by aid that provides for unfettered development. This aid must be with no strings attached.

THE ECONOMIC BASE OF RACISM

Racism persists to this day because it pro-

vides economic benefits for a societal elite. Racism is not inexplicable nor a genetic defect. It is racism which, through the forced underdevelopment of an oppressed internal Black colony and the provision of a few more material benefits to the mass of the "Mother Country," allows for this situation of gross inequality to continue. Up to today, even the United States' social scientists have admitted that there are two societies, one white, one Black, one rich, one poor, separate and unequal.

WHICH WAY FORWARD

The WCAR represents an important milestone in the three issues we have set out. Regardless to the content of the final Durban Declaration, significant changes have already occurred. The international community has been forced to address an issue it has fought to ignore for centuries - European and its settler-colonial descendants' mistreatment of Africa and African people. The issue will not go away with the closing ceremony. The momentum is growing as the ideas have become popularized and gained increasing acceptance. Strong ties have been forged between Africans throughout the Diaspora and on the African continent as we have united around those things we have in common. We must now remove the myths. We must identify the existing benefactors of this ongoing criminal enterprise, like the RJ Reynolds, Carolina Rice, Cannon Textiles, etc. We must not be distracted by racist opposition, hiding under questions of "historical precedent", taxing the innocent, etc.

We in the December 12th Movement must make reparations a question of national survival through national institutions to solve our issues of health, education, housing, etc. We must talk now of institution building and not individual cash payments. Our enslavement was social and collective, and so must be the remedy.

CASTE DISCRIMINATION AGAINST DALITS IS RACIAL DISCRIMINATION

Work and Descent based Caste Discrimination against Dalits is Racial Discrimination

What is the Caste System?

The caste system is the traditional Hindu social order which stratifies society into four major *varnas* (social groupings), ranked from 'high' to 'low': *Brahmins* (= the priestly group), *Kshatriyas* (= the ruling group), *Vaisyas* (= the land-owning and business group) and *Shudras* (= the group which serves the other three groups). Religious ritual purity is the determining factor of this ranking order. Brahmins are said to be most pure and the other three groups are considered less pure in a descending order. The caste system, therefore, is not mere division of functions in society. Rather it is a division based on discrimination with consciously calculated benefits for the dominant and oppressive groups. Such discrimination becomes sharp and clear in the case of the Dalits.

This hierarchical order has been sanctioned and legitimized by various Hindu religious texts, among which the Law of Manu has been considered traditionally as the standard and the most authoritative work on Hindu law and contains information about the social, cultural, religious, ethical, educational, political, and judicial aspects of life. In this rigid caste system, also known as the Brahminic system by virtue of its origin from the Brahminic social group, the societal functions of individuals and groups are pre-determined, fixed and unchangeable. Their duties are meticulously worked out and assume overriding importance. Fidelity to duties is considered a virtue. No space is given for their liberty, freedom of choice and rights. Social mobility cutting across the stratified social boundaries is considered a taboo. Severe penalty awaits anyone who dares to break this system. Such has been the iron grip of the caste system for three thousand years and more. Its hold over minds and hearts has not diminished even today despite stupendous progress in science, technology and cyberspace!

Who are the Dalits?

Besides these four major groupings, there is a fifth group, called the *avarnas*, that is, the "Untouchables". These are considered to be ritually impure and hence are said to fall outside the social order of the caste system. They are known as "outcastes" and as such have suffered social exclusion, marginalization and alienation for more than three thousand years. As a visible sign of their ritually unclean status, they have been, and even today are, denied entry into temples, full or independent participation in religious festivals, and are assigned menial and degrading work considered to be polluting, as for example cleaning toilets, skinning and disposing of dead animals, digging graves, sweeping, etc. These "Untouchables" are today called "Dalits".

The term "Dalit" literally means 'crushed' or 'broken', but more generally "Dalits" is translated to mean 'Oppressed People'. The term evolved in Asia, South Asia in particular, out of the struggles of various Dalit movements to fight untouchability and caste-based discrimination. These movements chose this name because it brought together all the affected "untouchable" communities in South Asia under a common ideological appellation. In India alone, Dalits number 160 million, whereas South Asia has around 260 millions – a little more than 2/3 of European Union's population!

What is Untouchability?

Untouchability in physical terms is a social practice of the caste system directed against the Dalits by the four major social groupings as a result of polluting tasks specifically assigned to the "Dalits". In attitudinal terms, it is a mentality penetrated deeply among dominant castes in their social relationships with the Dalits. In both ways the Dalits are denied their right to touch and to be touched by the non-Dalits (physical and social exclusion), to live with dignity (psychological and spiritual alienation), to basic livelihood (economic deprivation), to contest and vote freely in elections (political marginalization), and to practice their own religion and culture (religio-cultural assimilation).

The physical and social exclusion mentioned above includes segregation of Dalits' habitat from those of dominant castes, separation of drinking vessels in restaurants, separate seats for Dalit children in schools, etc. Economic deprivation means the denial of their right to access to water, electricity, land, health facilities, sanitation, better job opportunities etc. If by any chance Dalits try to defy the practices of untouchability, the consequences could be public humiliation, destruction of properties (house, crops, etc), rape of Dalit women, verbal and abuses, atrocities and murder, even mass killings.

What is Work and Descent based Caste Discrimination?

By assigning *only* to Dalits and *only* those works, which are considered impure and polluting, the caste system has unashamedly indulged in the practice of discrimination against them for centuries. Such works are said to be ordained by religion. This being so, Dalits can never imagine to engage themselves in social mobility - whether it be in the economic, social, political or religious spheres of life – for the types of works they should do are said to be fixed and unchangeable, and determined to be so by their birth. Hence the descendants of Dalit families have no other option except to perform the tasks and duties carried out routinely by their ancestors. Philosophically speaking, work actualizes human dignity, an

individual's freedom to choose different forms of work make space for creativity and enhances the progressive growth of personality. **Any social system, and in this case the caste system, that obstructs this freedom denies the right of human beings as persons. In other words, it is an outright denial of the right to be human.** Any effort by the Dalits to circumvent the law of the caste system or to exercise freedom in this respect would invite severe penalties and humiliation, including death, from the dominant castes. Thus "work" and "descent" are mutually related and serve as the basis of discrimination engendered and perpetrated by the caste system.

A point to be noted here is that the term "work" cannot be equated with such concepts as "occupation", "employment", "labour" or "jobs". While these latter terms denote the modern understanding of remuneration (salary, wages, income, etc.) and unionization (class basis) which have respectability, recognition and high social status in society, the word "work" is associated with menial tasks, manual activities, slavery, being bonded to the master, absolute dependence on someone higher in status than oneself, dispensability, etc. Needless to say, therefore, that the terms "work" aptly describes the existential and social basis of Dalits' functional status in society.

Are the Dalits being Discriminated against today?

- ◆ **In the view of the ruling political elite:** The official response is NO for the State through its Constitution has abolished untouchability and brought in equality of opportunities for the social mobility of the Dalits, through its various legislations has ensured the Dalits' right to life and security against all forms of atrocities.
- ◆ **According to the dominant castes:** The response is NO for the 54 years of India's Independence era has done much for the socio-economic development of the Dalits. and hence it is time that the State abolishes all forms of affirmative actions carried out in favour of the Dalits.
- ◆ **In the perspective of the Dalits:** The resounding response is YES for India's 54 years of freedom was not for the Dalits but for the dominant castes. **"If you do not believe us,"** say the Dalits, **"at least believe what the officially appointed National Commissions say, and what their official data speak. BUT BEFORE YOU COME TO KNOW WHAT THE COMMISSIONS HAVE TO SAY, PLEASE LISTEN FIRST TO OUR STORIES IN THE SUBSEQUENT SERIES OF HANDOUTS".**

Ooooooooooooo JAI BHEEM ! oooooooooooooo

"The root of untouchability is caste system, the root of the caste system is religion attached to varna and ashram, and the root of varnasharam is Braminical religion, and the root of Braminical religion is authoritarianism or political power. Untouchability is only an extended form of caste and, therefore, without abolition of caste there is no hope of abolition of untouchability."

The Palestinian Return Centre Explains

Why Zionism Equals Racism

The UN decision to declare Zionism a form of racism on 10th November 1975 was not the result of an anti-Semitic campaign. It was the verdict of the majority members of the world body united and resolute in their determination to eliminate all forms of racial discrimination. They affirmed that doctrines of racial differentiation or superiority are scientifically wrong, morally condemnable, socially unjust and politically dangerous.

Shortly before the historic resolution was adopted, the Assembly of Heads of State and Government of the Organization of African Unity convened their twelfth ordinary session in Kampala (28th July to 1st August 1975) and declared, "that the racist regime in occupied Palestine and the racist regimes in Zimbabwe and South Africa have a common imperialist origin, forming a whole and having the same racist structure and being organically linked in their policy aimed at repression of the dignity and integrity of the human being."

Contrary to the practice of recording the reasons for its declarations, the UN was curiously short of words when it revoked Resolution 3379 in December 1991. With virtually no preamble to cushion its impact, Resolution No.46/86 blandly read that the General Assembly "Decides to revoke the determination contained in its resolution 3379 (XXX) of 10 November 1975." Analysts were left thereafter to surmise the reasons for this unexplained *volte face*. In the event, it seemed that the United States of America, at the behest of Israel, imposed it upon the UN after its military victory in the Second Gulf War and the disintegration of the Soviet Union. Under the new world order it was irrelevant whether Palestinian national rights were restored or not. This was the Age of *Pax Americana*, when the language of missiles would reign supreme and might, however brutal and inhumane, determined what was right and acceptable.

The theory of Zionist racism

Those who imagined that the problem of Zionism would vanish by the stroke of a pen were grossly mistaken. Since 1991 it remained exactly as it was at the time of its emergence in the late nineteenth century, a 'mischievous political creed', according to Edwin Montagu the former Secretary of State for India and Jewish member of the British Cabinet. Its objective as affirmed in Theodor Herzl's *Der Judenstaat* (The State for Jews) was not only the founding of a national home for Jews in Palestine but also the expulsion of its indigenous people. Herzl articulated the racist supremacist views that was typical of European colonialists when he wrote that the proposed state would become 'a portion of the rampart of Europe against Asia, an outpost of civilization opposed to barbarism.' (p.96)

Since there is no human law to justify their eviction of the Palestinians and claim to superiority, the Zionists resorted to a higher authority. Like the Afrikaners in South Africa, they claimed to be the bearers of the 'white man's burden' to civilize the darker races based on Biblical sanction. Their posturing as the "Chosen People" confused many in the west who failed to distinguish where the revealed faith of Judaism ended and where Zionist nationalism began. In the end, the sanctity ascribed to the Jewish people in the religious sense was transferred to them in the ethnic sense. They no longer constituted a religious community but rather became an organic peoplehood with organic ties that bound them together to the exclusion of all others. Against this background Zionist leaders like Asher Ginsberg began to speak of a Jewish "supernation."¹

Apart from the obvious difference of racial identity, Zionism has remained conspicuously akin to Pan-Germanism. They both believed in racial theories and presumptions on matters such as "national character" and "exclusiveness". In an article titled "Zionism in Germany", Gerhart Holdheim, a German Zionist official wrote in a 1930 edition of *Suddeutsche Monatshefte*, (No.12), "The Zionist programme encompasses the conception of a homogeneous, indivisible Jewry on a national basis. The criterion for Jewry is hence not a confession of religion, but the all-embracing sense of belonging to a racial community that is bound together by ties of blood and history and which is deep in its national individuality."

Decades after Holdheim wrote his article a nineteen-member committee of prominent British Jews issued a report in March 2000 titled *A Community of Communities* urging members of their community to cast off their religious identity and "rebrand" themselves as an ethnic minority. The amazing similarity between these two studies proves that Zionism like the proverbial leopard is incapable of changing its nature. Thus, whereas Zionism requires a Jew to prove his Jewishness by being a blind supporter of Israel, Pan-Germanism as advocated by the Nazis proclaimed that all peoples of the Aryan race owed their foremost loyalty to Germany, the *Heimat*. Ariel Sharon summed up the Zionist view when he said, "the first and the most supreme value is the good of the State. The State is the supreme value."²

The practice of Zionist racism

In order to carry out the exploitation, repression, and expulsion of native peoples, settler colonialism always denied their humanity wherever it took root. In South Africa the Dutch, and later German and French settlers, systematically tried to dehumanize the African population. Similarly, in Palestine, the Zionists consistently denied the existence and humanity of the Palestinians. This vulgar obsession with racial supremacy has been a permanent feature of the Israeli discourse both before the UN resolution of 1975 and after its revocation in 1991. It was epitomized in Golda Meir's infamous outburst in 1969 that "there is no such thing as Palestinians." Similar slurs were reflected in the writings and speeches of Meir Kahane who throughout the 1980s led forays into Arab villages addressing their residents as 'dogs' and telling them to leave the country.³ The former Sephardi Chief Rabbi, Ovadia Yosef, currently spearheads this tradition. To mark the anniversary of the Deir Yassin massacre on 9th April 2001 he declared, "we must show them no mercy, we must bomb them with missiles and exterminate those evil and cursed" Arabs.

Deep-rooted hatred of this kind is not confined to the Israeli religious establishment. It is also at the core of its educational system and institutions. Recent academic studies confirm that Israeli school textbooks and children's storybooks portray Palestinians and Arabs as unenlightened, inferior, fatalistic, and unproductive. After conducting a study of 124 elementary, middle and high school texts on grammar, history, geography and Hebrew literature, Professor Daniel Bar-Tal of Tel Aviv University verified that there has been no significant change in the country's curriculum since the 1950s. He reported that although these books contain less direct denigration of Arabs they still continue to stereotype them in negative and retrograde modes. In their self-appointed role as bearers of civilization the Zionists have even usurped the right to write the history of the Palestinian Arabs in Israel. Though constituting one million (one-fifth of Israel's population) the Palestinian Arabs hold less than 1 percent of the jobs in the country's Ministry of Education. As a result, they make no input into the textbooks used in their schools, even though they are written in Arabic. Wherever similar practices were uncovered in the west they were condemned as 'institutionalized racism' or 'ethnic bigotry.' In Zionist Israel they are slavishly whitewashed and condoned by the United Nations.

Although Israeli textbooks depict the Palestinians as 'cruel', 'bloodthirsty', 'killers' and 'robbers', the history of the last ten months demonstrates just the opposite. More than 520 Palestinians were killed, five times as many Israelis during the same period. The military elite who have ruled Israel in the name of democracy since 1948 have lost no opportunity to loot, pilfer and destroy Palestinian property. The seizure of Orient House and theft of large quantities of official documents represents yet another chapter of Zionist totalitarianism.

Zionism and the Palestinian right of return

Of all the discriminatory laws and practices of Zionism, none can match the Israeli Law of Return for its inequity. This law which was enacted on 5th July 1950 affords to every member of the "Jewish people" born anywhere in the world the right to immigrate to Israel and become a citizen upon arrival. At the same time, it denies this right to Palestinian Muslims and Christians who were born in Palestine and expelled during the successive wars of occupation.

Although Israel claims to be a modern democracy it still refuses to promulgate a democratic constitution (as required by UN resolution 181) "guaranteeing to all persons equal and non-discriminatory rights in civil, political, economic, and religious matters." Instead, it prefers to rule by an array of so-called Basic Laws. While the Law of Return seeks to ensure the constant increase of Israel's Jewish population, its legal adjunct, the Nationality Law enacted in 1952 aims to limit the growth of the Palestinians. Thus, whereas the latter guarantees automatic citizenship to Jews through immigration, residence, birth and naturalization, it enforces a completely different set of rules and conditions for Palestinians.

If ever the world became oblivious of the racist nature of Zionism, Israel's Law of Return continues to be a shocking reminder of this fact. In practice it contravenes international human rights law as well as the human rights provisions enshrined in Articles 55 and 56 of the United Nations Charter. Rights, which according to Article 80 (1), should be guaranteed to "any peoples." Instead of discouraging debate on the subject the UN Human Rights Commission should immediately discharge its moral obligation and restore resolution 3379, which equates Zionism with racism. Every attempt to whitewash Zionism serves only to encourage Israel's military occupation of Palestinian land. As long as Zionism is legitimized, Israel would continue to deny Palestinian rights, flout international law, destabilize the Middle East and perpetuate the cycle of wars that has now become endemic to the region.

Martin Buber the former leader and later critic of Zionism had no doubt about the way forward;
 Only an internal revolution can have the power to heal our people of their murderous sickness of causeless hatred (for the Arabs). It is bound to bring complete ruin upon us. Only then will the old and young in our land realize how great was our responsibility to those miserable Arab refugees in whose towns we have settled Jews who were brought from afar; whose homes we have inherited, whose fields we now sow and harvest; the fruits of whose gardens, orchards and vineyards we gather; and in whose cities that we robbed, we put up houses of education, charity, and prayer while we babble and rave about being the 'people of the book' and the "light of the nations"! (Ner, Jan-Feb 1961)

¹ I. Ziyad, *Zionism: the Myth and Reality* (Indianapolis: 1980), p. 27

² Quoted in A. Elnessiri, *The Land of Promise: A Critique of Political Zionism*, (New Brunswick: 1977), p. 12

³ N. Masalha, *Imperial Israel and the Palestinians* (London: 2000), p. 150

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BEAT BACK THE BUSH ATTACK!



PRESIDENT DEATH: MASS MURDERER Wanted

- for the executions of 152 people in Texas, and
- for the execution of people under the federal death system

The New York Times recently reported that Mumia Abu-Jamal is the "most well known death-row prisoner in the U.S."

He has languished for almost 20 years on Pennsylvania's death row for a crime he did not commit. Suppressed evidence from his original trial along with 29 constitutional violations by the courts, can not only prove his innocence but also substantiate that he has been imprisoned for his political beliefs.

Many forces within the anti-globalization movement have embraced Mumia's struggle for freedom. During the September 28 - October 4, 2001 Week of Convergence in Washington, D.C., momentous demonstrations will take place outside the IMF and World Bank meetings.

On Saturday, September 29, there will be a demonstration focused on George W. Bush, the face of globalization and racism in the US. "Governor Death" will see thou-

sands surround the White House drawing the link between the struggle at home and around the world.

Bush and the super-rich capitalist class that his administration represents want Mumia's silence more than his execution. Why? Abu-Jamal's eloquent written and radio commentaries speak out against social injustices and their root cause cause, including two commentaries on the brutal assaults on anti-globalization protestors in Genoa, Italy. Abu-Jamal has been passionately outspoken against the brutal plunder and super-exploitation of the resources and people in the developing nations by the most powerful imperialist countries lead by the U.S., all for the sake of making super-profits for billionaires like Microsoft CEO Bill Gates.

The case of Mumia Abu-Jamal is not just about the persecution of one individual. Abu-Jamal has become the most recognizable face of the death penalty, police brutality and racist profiling in general. Demanding his freedom at the September 29 demonstration will help to unite all of those who want to take a powerful stand against all forms of racism.

President George W. Bush was allowed to steal the 2000 elections mainly from African American voters in Florida on behalf of Wall Street and the banks. One important reason is that he is a strong proponent of the racist death penalty in general. These issues are not separate from the anti-globalization struggle—in fact, racist repression is needed to fuel the insatiable appetite of globalization that in reality is capitalist expansion.

There is only one force that can stop the Bush attack—the mobilization of the people. A united campaign that brings together people of color, workers both employed and unemployed, immigrants, women, lesbian, gay, bi and trans people,

differently abled people, environmentalists, people struggling to keep their lights and gas on—in short, everyone who is being and will be attacked by the new reactionary Bush administration—only such a united force can succeed in beating back this assault.

We are the majority. But our power can only become real when we organize and take action.

The Bush program poses a grave danger to people all over the planet. That's why everywhere Bush travels abroad people fill the streets to protest him and the policies he represents.

We in the U.S. must not let Bush go unchallenged at home.

JOIN US ON SEPTEMBER 29 TO TELL GEORGE W. BUSH, THE IMF AND THE WORLD BANK THAT WE DEMAND:

- End the racist death penalty; stop police brutality
- Free Mumia Abu-Jamal, Leonard Peltier, the Cuban Miami 5 and all political prisoners
- Education and jobs not prisons for youth
- Stop violence against women and lesbian, gay, bi and trans people; end attacks on reproductive rights
- Money for HIV/AIDS, not for "star wars"
- Hands off affirmative action
- Billions for healthcare and social programs for all people, not profits
- No more sweatshops; end capitalist greed
- Cancel the Third World debt
- Stop destroying the environment; no Arctic drilling, respect the Kyoto Accords
- Rollback gas and utility prices, no more profiteering
- U.S. Navy out of Vieques; not one more bomb
- Stop funding Israeli terrorism against the Palestinian people
- No to Plan Colombia
- No more sanctions against Cuba, Iraq, North Korea.

For more information, contact an organizing center near you:

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The War on Drugs is a War on Racial Justice



Dear U.N. Secretary General Kofi Annan:

On the occasion of the World Conference Against Racism, we seek your intervention in addressing and challenging the racial and ethnic discrimination that characterizes the "war on drugs" in so many nations.

In the United States and many other nations, it is no longer possible to talk honestly and frankly about racism without talking about the "war on drugs."

This is a war not on plants and chemicals, but on human beings who all too often are members of racial and ethnic minorities.

No place is this more evident than in the United States, which incarcerates more people on drug charges than all of western Europe (with a larger overall population) incarcerates for all criminal offenses. Among those incarcerated in state prisons for drug felonies, Blacks comprise 57%; Latinos account for 22%. In New York State — home to the United Nations headquarters — 94% of people in prison on drug charges are Black or Latino.

Why? Latino and Black Americans use illegal drugs at roughly the same rates as European Americans — so that is not the reason. The answer can only be found in the racism and prejudice that permeate the "war on drugs" from start to finish.

Today, unequal treatment of racial minorities pervades every stage of the criminal justice system. Police use of racial profiling is now well documented. Prosecutorial decisions are racially skewed. So are sentencing practices.

The link between racial discrimination and the "war on drugs" exists not only in the U.S., but throughout much of the world. In one country after another we see racial and ethnic minorities targeted and persecuted in the name of the "war on drugs."

We call on you, Mr. Secretary General, to place this issue on the agenda of the United Nations for open and free discussion. And we call on all member governments of the United Nations — most especially the U.S. — to end the "war on drugs" and remedy its discriminatory and oppressive consequences.

*Sincerely,

- Harry Belafonte, Actor, Producer
- Julian Bond, Chairman, NAACP
- U.S. Congressman John Conyers, Jr. (Democrat-Michigan)
- Harvey Cox, Professor of Divinity, Harvard University
- David Dinkins, 106th Mayor, New York City
- Joycelyn Elders, Former U.S. Surgeon General
- Milton Friedman, Hoover Institution, Stanford University
- Danny Glover, Actor, Producer
- Ronald Hampton, Executive Director, National Black Police Association
- Monika Horakova, Member of Parliament, Czech Republic
- U.S. Governor Gary Johnson (Republican-New Mexico)
- Mathilde Krim, PhD, Founder, American Foundation for AIDS Research (AmFAR)
- Rabbi Michael Lerner, Editor, TIKKUN Magazine
- U.S. Congresswoman Cynthia McKinney (Democrat-Georgia)
- Kenneth Roth, Executive Director, Human Rights Watch
- Sylvester Salcedo, Veterans for More Effective Drug Strategies
- George Soros, Chairman, Open Society Institute
- Gloria Steinem, Feminist Leader, Author, Activist
- Andrew Weil, M.D., author, Spontaneous Healing

*More than 250 people signed this letter, including those listed above. For a copy of the complete letter and list of signatories please see www.drugwarinjustice.org

Campaign to End Race Discrimination in the "War on Drugs"
www.drugwarinjustice.org



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UNITED STATES PERPETUATES ENVIRONMENTAL RACISM

Environmental racism refers to any act or failure to act by the government or a private entity that has a negative environmental impact and disproportionately disadvantages individuals, groups, or communities based on race or color. For a disproportionate number of people of color in the U.S., environmental racism imposes severe deprivations, such as shorter life spans, higher infant mortality rates, poverty, poor housing, and an overall degraded quality of life.

The National Black Environmental Justice Network declares a state of emergency based on the clear and present danger of environmental racism and economic injustice. Our communities and workplaces have become unsafe and unhealthy as a result of increasing pollution. We are sick and dying in neighborhoods that are engulfed by noxious odors, toxic gases spewed from incinerators, chemicals emitted from industrial plants, expansive landfills, military bases, nuclear facilities, weapons incinerators, contaminated soil, diesel exhaust fumes, lead dust, and pesticide sprays.

The U.S. perpetuates environmental racism by permitting the clustering of polluting facilities in people of color communities; establishing ineffective programs for reducing toxic emissions; developing health risk assessments that are biased in favor of polluting industries; undermining laws that can be used to protect our

communities and environment; and promoting business practices that plunder and deplete limited national resources.

It is no coincidence that Black communities in the U.S. are plagued by the same hazardous industrial facilities operating in South Africa, Nigeria, Ecuador, Brazil, and other developing nations. Shell, Exxon, Sasol, and Occidental are just a few of the multinational companies that have demonstrated, with government support, little regard for the human rights of people of color in the U.S. and abroad.

Our Native American, Latino, and Asian sisters and brothers in the U.S.

also suffer from the scourge of environmental racism and environmental degradation. We stand in solidarity with them in a movement for environmental and economic justice, fighting to end environmental racism. All Americans and indeed all of humanity are negatively affected by the environmental degradation occurring in the United States and abroad.

While important strides, due to pressure from citizen activism and litigation, have been made in reducing environmental hazards and achieving environmental justice as a matter of government public policy, far too much remains undone.



Child holding "Environmental Racism Is Illegal!" sign at NBEJN Rally, September 2000 (Photo by EJRC)
Black children are vulnerable to diseases and deaths arising from significant toxic pollution spewed in their neighborhoods.

Highest U.S. Court Guts Civil Rights Law

In the case *Alexander v. Sandoval*, the U.S. Supreme Court, the highest court in the country, ruled in April 2001 that citizens no longer have the right to seek legal redress under a federal civil rights law, known as Title VI of the Civil Rights Act. Title VI was enacted as a result of the civil rights movement.

Title VI of the Civil Rights Act of 1964 mandates: "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

The Supreme Court blocks lawsuits alleging Title VI is violated when a feder-

ally-funded entity's action has a discriminatory effect. For more than 30 years, Title VI cases have been permitted in all U.S. courts that allege discriminatory effect. In *Alexander*, the Supreme Court dismissed these court decisions by comparing them to being "drunk."

As the burden of proof for intentional discrimination requires an unrealistically high level of proof, amounting to an admission by a defendant that it purposefully discriminated, many discriminatory practices like environmental racism may go on with impunity.

CIVIL RIGHTS & ENVIRONMENTAL RACISM

Civil rights law has an important role in ending envi-

ronmental racism. There are over 60 civil rights complaints filed with the U.S. government alleging a violation of Title VI of the Civil Rights Act by local governments' permitting hazardous industrial facilities to cluster in people of color communities. However, these complaints have received no review or determination from the U.S. government.

In May 2001, African American residents prevailed in a federal court decision that found a violation of their civil rights under Title VI when the state of New Jersey issued environmental permits allowing a cement facility to locate in their community that is inundated with toxic industrial facilities. The state has appealed the decision.

About the National Black Environmental Justice Network

The National Black Environmental Justice Network (NBEJN) was organized at a gathering of more than 200 Black community leaders, activists, lawyers, educators, and students, who traveled from over 30 states to strategize on combating the environmental, health and economic crisis affecting the Black community in December 1999.

NBEJN is focused on international human rights; civil rights and equal

environmental protection; the safety of communities threatened by military and industrial facilities; and a new vision of economic justice.

Recognizing the concerted backlash by industrial associations and government agencies to stop progress toward environmental justice achievements, NBEJN has devised a strategy that includes international human rights advocacy. NBEJN members have been actively

involved in the World Conference Against Racism Preparatory Committee meetings and the United Nations Commission on Human Rights annual sessions.

NBEJN members are participating in the World Conference Against Racism to seek systemic solutions to environmental racism; speak out against environmental racism in the U.S. as a human rights violation; and build international coalitions of support.

National Black Environmental Justice Network (NBEJN)