

# Eliminating Racial Discrimination, Xenophobia and Related Intolerances

*"I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons will live together in harmony with equal opportunities. It is an ideal which I hope to live for, and to see realized. But my Lord, if needs be, it is an ideal for which I am prepared to die.*

## From the Executive Desk:

Dear delegates,

It is our honor to be serving as your executive board members at JUITMUN'15. Please note the following guide is merely for the purpose of giving you an insight about the agenda and should not be used as the sole resource for research. Considering that this agenda is both vast and complex, we would appreciate your effort to come up with innovative ideas in order to enable an intellectually stimulating discussion in committee. Realizing that for some of you, it might be your first MUN endeavor, it is our duty to inform you that we shall be following the Rules of Procedure already up on the JUITMUN 2015 website and expect a basic understanding about the same from each of you. Having said that, we are always open to any queries that you might have with regards to the procedure or mode of research, and can be contacted even before the conference via mail. Regarding the nature of proof in committee, the following sources shall be regarded as credible by the executive board:

- UN reports
- Governmental reports
- Reuters

The acceptance of other reports shall be subjective to each country's foreign policy and relations. We request you to not feel hesitant in bringing to us any dilemmas which you face during your course of research and we shall try and resolve those issues to the best of our abilities. Looking forward to seeing you all.

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Dikshant Malik  
(Chairperson)

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### ***About UNITED NATIONS GENERAL ASSEMBLY-***

United Nations General Assembly, one of the six principal organs of the United Nations (UN) and the only body in which every member of the organization is represented and allowed to vote.

Established in 1945 under the Charter of the United Nations, the General Assembly occupies a central position as the chief deliberative, policymaking and representative organ of the United Nations. Comprising all 193 Members of the United Nations, it provides a unique forum for multilateral discussion of the full spectrum of international issues covered by the Charter.

It also plays a significant role in the process of standard-setting and the codification of international law. The Assembly meets in regular session intensively from September to December each year, and thereafter as required.

### ***Functions and powers of the General Assembly-***

The Assembly has initiated actions — political, economic, humanitarian, social and legal — which have affected the lives of millions of people throughout the world.

The landmark Millennium Declaration, adopted in 2000, and the 2005 World Summit Outcome Document reflect the commitment of Member States to reach specific goals to attain peace, security and disarmament along with development and poverty eradication; safeguard human rights and promote the rule of law; protect our common environment; meet the special needs of Africa; and strengthen the United Nations.

During the 68th session, the Assembly decided to launch — during the early part of the 69th session — a process of intergovernmental negotiations aimed at building consensus towards adoption of the post-2015 development agenda.

According to the Charter of the United Nations, the General Assembly may:

- Consider and approve the United Nations budget and establish the financial assessments of Member States;
- Elect the non-permanent members of the Security Council and the members of other United Nations councils and organs and, on the recommendation of the Security Council, appoint the Secretary-General;
- Consider and make recommendations on the general principles of cooperation for maintaining international peace and security, including disarmament;
- Discuss any question relating to international peace and security and, except where a dispute or situation is currently being discussed by the Security Council, make recommendations on it;

- Discuss, with the same exception, and make recommendations on any questions within the scope of the Charter or affecting the powers and functions of any organ of the United Nations;
- Initiate studies and make recommendations to promote international political cooperation, the development and codification of international law, the realization of human rights and fundamental freedoms, and international collaboration in the economic, social, humanitarian, cultural, educational and health fields;
- Make recommendations for the peaceful settlement of any situation that might impair friendly relations among nations;
- Consider reports from the Security Council and other United Nations organs.

The Assembly may also take action in cases of a threat to the peace, breach of peace or act of aggression, when the Security Council has failed to act owing to the negative vote of a permanent member. In such instances, according to its “Uniting for Peace” resolution of November 1950 (resolution 377 (V)), the Assembly may consider the matter immediately and recommend to its Members collective measures to maintain or restore international peace and security.

### ***The search for consensus***

Each of the 193 Member States in the Assembly has one vote. Votes taken on designated important issues — such as recommendations on peace and security, the election of Security Council and Economic and Social Council members, and budgetary questions — require a two-thirds majority of Member States, but other questions are decided by simple majority.

In recent years, an effort has been made to achieve consensus on issues, rather than deciding by a formal vote, thus strengthening support for the Assembly’s decisions.

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## Introduction

The United Nations (UN) has addressed the issue of racial discrimination since its inception, stating in the *Charter of the United Nations* (1945) the realization of human rights and fundamental freedoms are without distinction as to race. Subsequently, the *Universal Declaration of Human Rights* (1948), reinforced these principles, declaring that all human beings are born free and equal in dignity and rights." Article 1 of the *UN Declaration on the Elimination of All Forms of Racial Discrimination* (1963) reaffirms this, stating "discrimination between human beings on the ground of race, color, or ethnic origin is an offence to human dignity and shall be condemned ... and [is] a fact capable of disturbing peace and security among nations." The Declaration further targeted racism as ideology, asserting that "any doctrine of racial differentiation or superiority is scientifically false, morally condemnable, socially unjust and dangerous... Thus, there is no justification for racism in theory or practice." This conceptual framework is important as it grounds the work of the international community on this topic.

Early efforts within the UN system focused largely on ending discrimination in Non-Self-Governing and Trust Territories, where segregation, discrimination and racial intolerance were often institutionalized by colonial powers. The UN General Assembly "repeatedly supported the legitimacy of the struggle of oppressed populations," identifying discrimination as a result of colonialism in the *Declaration on the Granting of Independence to Colonial Countries and People* adopted in 1960.

South Africa's "system of legalized racial discrimination," referred to as apartheid, is an example of an issue that the UN took early action on. Events such as what occurred in Sharpeville, South Africa, where, on 21 March 1960, police opened fire and killed 69 people at a peaceful demonstration, were pivotal in prompting UN action and generating momentum for concerted efforts to address racial discrimination at the international level. This momentum prompted the GA to declare 21 March as the "International Day for the Elimination of Racial Discrimination," and eventually to adopt the *United Nations Declaration on the Elimination of All Forms of Racial Discrimination* (1963), which was the start of a "concerted campaign to tackle racism in all its manifestations."

The *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD) (1965) defines racial discrimination as:

"distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

The Office of the United Nations High Commissioner for Human Rights (OHCHR) describe xenophobia as a broad concept that is manifested when an individual or individuals have an "intense dislike or hatred against people that are perceived as outsiders, strangers or foreigners

to a group, community or nation, based on their presumed or real descent, national, ethnic or social origin, race, color, religion, gender, sexual orientation or other grounds.” Acts that are termed “xenophobic,” are “intentional as the goal is to humiliate, denigrate and/or hurt the person(s) and the “associated” group of people,” through “direct discrimination, hostility or violence and incitement of hatred.”

Today, racial and ethnic discrimination occur on a daily basis, delaying advancement for millions of individuals around the world. The Office of the UN High Commissioner for Human Rights reported that more than 55% of violent conflicts from 2007-2009 had violations of minority rights or tensions between communities. Intolerance takes various forms even beyond racial discrimination and xenophobia, from denying individuals the basic values of equality, to fuelling ethnic hatred. Related intolerance of racial discrimination and xenophobia, thus, may refer to any form of prejudice associated with the racial or ethnic background of an individual. Secretary-General Ban Ki Moon has called upon leaders around the globe to oppose ideas based on racism or hatred and groups or individuals who promote racism, racial discrimination, xenophobia and related intolerance. Racism and xenophobia undermine peace, security, justice, and social progress; thus it is an important topic on the agenda of GA Third.

### ***International and Regional Framework***

Over many decades, a series of key documents promoting the elimination of racial discrimination have been adopted. Each of these documents is committed to the elimination of discrimination regardless of color, culture, background and all other characteristics that may differentiate individuals. These are the ICERD and the *Durban Declaration and Programme of Action* (2001), the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa.

Guided by the fundamental goal of a global society free of racial discrimination, the GA adopted ICERD in 1965. Although it has been in force since 1969, it is yet to achieve universality. Drawing from the principles of the 1963 *Declaration of Elimination of All Forms Racial Discrimination*, ICERD defines racial discrimination in its various forms, highlights the obligations of the States Parties, and establishes a Committee on the Elimination of Racial Discrimination (CERD). ICERD is a legally binding instrument. Notably, it states that any doctrine of racial differentiation is false, that racial discrimination violates human rights, and that it harms not only those who are its objects but also those who practice it. The human rights highlighted in ICERD include but are not limited to: the right to nationality, the right to marriage and choice of spouse, the right to inherit, the right of freedom of expression, and the right to economic, social, and cultural rights. Under ICERD, Member States are not to practice racial discrimination or defend discrimination, they are to repeal laws that establish racial discrimination, stop racial discrimination by individuals, and encourage multiracial organizations and movements. As the main purpose is to ensure and guarantee every individual the full and enjoyment of human rights, under ICERD, Member States must ensure adequate improvement and protection of certain racial groups. This also includes the vast changes and challenges that occur in the cultural, social, and economic environments.

The *Durban Declaration and Programme of Action* (2001), further promotes equality and combats racism. Specifically, it highlights the right to education, enhancing international cooperation, fair wages, gender equality, and health care as common standards that all should have. As Mutuma Ruteere, the Special Rapporteur on Contemporary Forms of Racial Discrimination, Xenophobia, and Related Intolerances has noted, there is a clear link between poverty and racism, as lack of education, adequate housing, and health care exacerbate racial stereotypes by perpetuating racial prejudices and preconception of specific individuals. The 68th session of the GA Third reaffirmed in resolution 68/150 of 2013 the importance of education and health care as well as the need to improve on such systems for eliminating racial discrimination. Further, the GA Third has called upon Member States to devote finances to education and health care in order to alter attitudes and correct concepts of racial stereotypes.

The Durban Declaration further defines the victims of racism, the sources, causes, and forms of racism, measures of prevention, education, and the protection aimed to eradicate racism. Also to note, the Declaration includes policies to achieve complete equality, including international collaboration, the role of the UN, and various other international bodies within the UN such as the Human Rights Council (HRC) and the Economic and Social Council. To operationalize the Declaration and to explain the practices needed for real-world and feasible implementation, the *Programme of Action* was developed. The *Programme of Action* contains a total of 219 recommendations directed at UN Member States, non-government organizations, the private sector, and other international organizations. It identifies certain groups as particular targets of racism, adopts programs encouraging individuals and institutions to take a stand against racism, and addresses issues of international displacement. Further, the program encourages states to: form partnerships between national governments and civil society, develop policies pertaining to gender perspectives, adopt national programs to eradicate poverty and reduce social exclusion, and ensure the political and legal systems reflect multicultural diversity. The program reaffirms the values of equality as a basic human right, therefore, allowing Member States to be held accountable for their actions. Further, the program asks for universal ratification of ICERD, and its effective implementation by Member States.

With the aforementioned legal foundation, Member States can understand what the goal and objectives of the UN are in terms of eliminating these discriminations and intolerances. The Durban Declaration and *Programme of Action* set up a clear stage of what needs to be done in order to overcome discrimination. However, the international system cannot work effectively on eliminating racial discrimination, xenophobia, and related intolerances until ICERD is achieved universally. Member States may not be able to progress efficiently to combat the issues if the ideas are not universally recognized or accepted.

### ***Role of the International System***

The issue of racial discrimination falls within the purview of GA Third, specifically, of agenda item 66: Elimination of Racism, Racial Discrimination, Xenophobia and Related Intolerance. During its 68th session the GA adopted resolution 68/151 of 14 February 2014. This resolution notes



worldwide ratification of ICERD has not yet been reached; it also highlights the development of a trust fund for the *Programme for the Decade for Action to Combat Racism and Racial Discrimination*. The session further highlighted past work that remains of vital importance today including the increasing criminalization of irregular migration, effects on migrants facing racism, and equality for people of African descent. Specifically, in 2013, more than 60 ministerial speakers attended discussions about migration and development, to further strengthen the connection of individuals wishing to live abroad and further development in 2015.

In its 67th session the GA Third adopted resolution 67/156, which calls upon Member States to submit periodic reports to CERD in a timely manner, and asks every Member State to fulfill its financial obligation, both of which are hindrances that CERD constantly faces. Member States are highly encouraged to submit a report periodically, but it is common that many of the reports are not received, which has proven to be an area that needs improvement on the part of the international community. In fact, 33% of the international community fails to submit a report. CERD monitors the implementation of the *Convention on the Elimination of All Forms of Racial Discrimination*. All States Parties must submit regular reports to CERD on its status and their implementation of such rights. In a typical session, CERD considers the reports from numerous Member States, reviews the Member State reports that are overdue, and provides general recommendations for the international on eliminating racial discrimination. For example, Rwanda highlighted the positive aspects of several laws aimed to prevent discrimination, the concerns and worries of specific ethnic groups, and the tragic 1994 genocide. Rwanda also recognized the regrets of not recognizing certain indigenous people present in the country, such as the Batwa. As such, through this recommendation, the situation of racial discrimination both in contemporary forms and history were brought to the attention of CERD and the international community. The GA Third then reviews the implementation of the Convention in Member States with the recommendations of CERD in mind.

The 67th session also passed Resolution 67/155 emphasizing that the basic responsibility to effectively combat racial discrimination, xenophobia, and related intolerance lies within Members States rather than international organizations and that Member States have the primary obligation to ensure full and effective implementation of all commitments and recommendations outlined in the *Durban Declaration and Programme of Action*. In fulfilling their obligations, states may use the assistance of the Special Rapporteur on Racial Discrimination, whose mandate is to examine, monitor, advice, and report on the human rights issues including incidents of contemporary forms of racism, denial of individuals' belongings, and the phenomenon of xenophobia. The Special Rapporteur may do this through visits to Member States, deliver press releases, and holding conferences, seminars, and meetings to address the thematic issues. Along with providing advice on technical cooperation at the state level, the Special Rapporteur engages with the international community through such promotional activities. The Special Rapporteur reports annually to the HRC and to the GA. As such, the GA reviews recommendations made by the Special Rapporteur and advises the international community on next steps to eradicate racism and xenophobia. Since 2006, several new thematic mandates have been established in

response to these recommendations, such as: cultural rights, freedom of peaceful assembly and association, and the situation of human rights in Central African Republic.

### ***Migration***

On 19 October 2010, the GA Third discussed the promotion and the means to encourage human rights of migrants in the face of racial discrimination. As a result of their often under recognized status, migrants are a highly vulnerable population in their host countries, particularly migrant children. The Secretary-General asked Member States to integrate the rights and participation of migrants and migrant children into all relevant legislation and administrative regulations. However, regardless of status, judging migrants exposes them to potential racial and xenophobic acts. The Secretary-General also asked Member States to adopt comprehensive national plans to strengthen the protection of migrants, and achieve policy agreements at the national, regional, and international levels regarding their racial discrimination and xenophobia. The Special Rapporteur on Human Rights of Migrants in 2008 brought to the attention of the HRC that “...insufficient progress had been made in mainstreaming human rights into migration governance...yet, migration can be an essential component of development and prosperity in countries of destination, transit and origin in all regions of the world.”

Italy has faced and is currently facing heavy racial discrimination with their high volume of migrants in the work force. Italy's demographic is one of the fastest changing in Europe, with an estimation of a foreign work force of 9%. On 7 January 2010, violence exploded after two African immigrants were shot by white men, and by the end of the week, the government evacuated 1,000 immigrants to neighboring cities for their protection. In opposition to the many immigrant African workers, Gianluca Buonanno, a Member of the Italian Parliament stated “[a]t the end of the day, maybe in this country in order to achieve anything we need to be a bit darker.” However, the spokesman of the International Organization for Migration (IOM) noted “[i]f all the migrants just stopped working now, the Italian economic system would collapse.” Italy serves as an example of a Member State struggling to adapt to the growing interconnection of the world and porous borders, with the result being high levels of racial discrimination and xenophobic policies. If racial discrimination is not well-known in the public, then racism is not recognized as such and is perpetuated. Furthermore, certain laws within Member States appear to rule out racism offenses where the perpetrator may have mixed motives. The international community may be able to assist national governments, especially those that which serve as destination or transit countries for migrants, by recognizing racial discrimination and providing strategies and lessons learned of mixed motives in their criminal laws regarding racial offenses, such as in Belgium and the United Kingdom.

### ***Equality for People of African Descent – International Decade for People of African Descent***

On 18 December 2009, the GA declared 2011 as the International Year for People of African Descent. The Chair of the Working Group of Experts on People of African Descent, Verence Shepherd said “[p]eople of African descent have for centuries been victims of racism, racial



discrimination, enslavement and denial of their rights.” Mirjana Najchevska, a member of the Working Group, has noted that millions of people of African descent have been victims of historical segregation and discrimination through unequal access to education throughout history. Najchevska has particularly asked states to guarantee equal opportunities and achievements in education. Through multicultural education and dialogue, Member States could favor the elimination of socio-cultural ideas inherited from the periods of slavery endured by individuals of African descent.<sup>392</sup> Subsequently, on 4 November 2013, the GA Third heard from UN experts, including Sheperd, who supported a call for an International Decade for People of African Descent while discussing the issues of racism, racial discrimination, xenophobia, and related intolerances. Consequently, GA resolution 68/237 of 2014 proclaimed 2015-2024 as the International Decade for People of African Descent, and asked to create a program for the implementation of the International Decade and allocate funding for the operation and activities under it. Its observance by the UN will bring together actors across the international community with the goals of promoting equality, greater economic and social development, and social justice for people of African descent. Some of its activities include developing studies and reports, encouraging the media to represent diversity, and inviting UN Education, Science, and Cultural Organization to support teaching materials and tools for training and activities relating to rights of individuals of African descent. With this Decade now a reality, it remains a high priority for the GA Third.

### ***Case Study: Singapore***

Although Singapore has a history of racial tension, successful government policies directed towards instituting multi-racialism and meritocracy have significantly quelled tensions and improved racial relations over the last few decades. Singapore admits, however, that issues of racism and related intolerances may still exist even though massive strides have been made.

Over the last 60 years, the December 1950 Maria Hertogh and September 1964 Prophet Muhammad Birthday riots have served as examples of the significant racial tensions within Singapore. The Maria Hertogh riot was sparked by a controversial custody battle between an adoptive family and a little girl’s biological Eurasian parents. Crowds rioted because people believed the courts and legal system was against Muslims. In the Prophet Muhammad’s Birthday, roughly 20,000 individuals gathered to celebrate Prophet Muhammad’s birthday, but the celebration ended with injuries and fatalities as a Malay organization launched a racial campaign against Chinese individuals. In total these riots left 54 people dead and 729 injured.

With high unemployment, widespread poverty, low levels of education, and house shortages for minorities and migrants the government tackled the challenges with the idea of “multi-racialism” beginning in the 1970s. Multiracialism means representing a culturally diverse society. The promotion of multi-racialism is to a way to give a fair and equal opportunity for every individual without giving privileges to one or the other. Some of the minority racial groups are the Malays,

Indians, and Eurasians. In 2006 and 2007, the government found that Singaporean Chinese are least accepting towards being in a place full of Indians, with 75% approval compared to 79% for Malays and 86% for various other nationalities. Further, for religious beliefs, 76% approve the thought of Hindus compared to 99% for Buddhists or Taoists and 82% Muslim. The concept of multi-racialism in Singapore is implemented in the forms of official governmental representation, media, and national holidays. By establishing multi-racialism as a state ideology, Singapore's idea of a divided nation was no longer an issue.

Besides multi-racialism, in Singapore meritocracy is promoted as a fundamental law where each of the main races are given fair and equal opportunity without any race being perceived to be more privileged than the other. The Rule of Law in Singapore states within the foundation of the nation, "[e]qual opportunity for all, regardless of economic background or social status, race, language, or religion. Meritocracy." Mr. Zhongren, the Singaporean delegate to the 68th GA Third session, stated "[t]he ability of a Singaporean to advance in life is not based on arbitrary criterion such as race, religion, family, class or gender, but based solely on merit, resulting from hard work and achievement." Meritocracy permits Singapore to have the best individuals in leadership positions, and it minimizes any form of negative discrimination against any class of persons. Therefore, between multi-racialism and meritocracy, the ideas transformed the national policies of Singapore towards eliminating racial discrimination, xenophobia, and related intolerances over 40 years. As proof of its growing success, the amount of students who are in meritocratic education in Singapore that progressed to a publically funded secondary institution grew from 88% in 2003 to 95% in 2012.

### **Conclusion**

The UN continues to substantially advance the elimination of racial discrimination, xenophobia, and related intolerances as each Member State changes. ICERD, CERD, and other entities as well as the Durban Declaration *and Programme of Action* have built a solid groundwork for Member States to eliminate the actions of and beliefs in intolerance. As states continue to advance and globalization spreads, Member States will be faced with increased challenges while their communities become ever more interconnected and interdependent. This integration will bring greater flows of migrants among other issues, and will force states to address their rights and the resulting issues of racial discrimination that may occur. Moving ahead, the international community must to consider the human rights of migrant workers, bring awareness and unique activities to protect and grow equality for individuals of African descent, and create unique ideas to abolish any form of discrimination. Further, each Member State needs to fulfill their obligations by submitting reports on time reporting bodies such as CERD, and universally adopt ICERD. As Secretary-General Ban Ki-moon reminded the Third Committee, racism among ethnic and racial groups is a threat and a grave violation of human rights. The focus and questions of eliminating racial discrimination is a social development and as a result the GA Third's involvement is required.

### **Further Research**

With these issues in mind, delegates should consider the following questions: How can the international community combat racism while also respecting national sovereignty and individual freedoms? What can the GA Third do to encourage universality of ICERD? How can Member States ensure they submit regular reports to CERD on the realization of these rights? How might Member States ensure laws be put in place to eliminate discrimination without violating human rights? How can the GA Third better assist destination and transit countries that experience high levels of immigration, especially migrant workers? Overall, what steps can be taken by GA Third to encourage the universal elimination of racial discrimination and xenophobia?

#### Links for further research:

- <http://www.un.org/WCAR/durban.pdf>
- [http://www.ohchr.org/Documents/Issues/Racism/A-68-329\\_en.pdf](http://www.ohchr.org/Documents/Issues/Racism/A-68-329_en.pdf)
- [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/68/151](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/68/151)
- [http://www.un.org/en/letsfightracism/pdfs/United%20against%20Racism\\_English\\_web.pdf](http://www.un.org/en/letsfightracism/pdfs/United%20against%20Racism_English_web.pdf)
- <http://www.ohchr.org/EN/NewsEvents/Pages/RecognitionOfPeopleOfAfricanDescent.aspx>
- [http://www.academia.edu/2905889/Civil\\_Society\\_Submission\\_to\\_the\\_UN\\_Special\\_Rapporteur\\_on\\_Racism\\_Racial\\_Discrimination\\_Xenophobia\\_and\\_Related\\_Intolerance\\_24\\_April\\_2010](http://www.academia.edu/2905889/Civil_Society_Submission_to_the_UN_Special_Rapporteur_on_Racism_Racial_Discrimination_Xenophobia_and_Related_Intolerance_24_April_2010)
- <https://www.humanrights.gov.au/durban-review-conference-summary-durban-declaration-and-programme-action-combat-racism-racial>
- <http://www.apa.org/pi/oema/programs/racism/un-conference-plenary.aspx>
- [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/2106\(XXI\)](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/2106(XXI))

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