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Towards the 20th anniversary of the Durban Declaration and Programme of Action (DDPA): its continued relevance. Challenges and opportunities for generating political will

Introduction

Member States of the United Nations adopted these texts at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held from 31 August to 8 September 2001 in Durban, South Africa. The Declaration and Programme of Action represents the commitments by member states and other stakeholders to address past manifestations as well as contemporary forms of racial discrimination. The Programme of Action is a road-map illustrating how the international community will follow up on these commitments. It indicates the steps to be taken to put an end to racism, racial discrimination, xenophobia and related intolerance and to prevent their future occurrence.

The renewed attention over the resurgence of racism and other openly aggressive forms expressed through Islamophobia, Arabophobia, Afrophobia and Christianophobia at global level deeply raises concerns about the relevance of the DDPA. The terrorist attacks of 15 March 2019 in Christchurch, New Zealand and of 21 April 2019 in Colombo, Sri Lanka have demonstrated clearly that world society lives in dangerous times when the rise of hate ideologies erupts into violence unexpectedly.

Since its inception in 2003, the APRM has produced 24 Country Reviewed Reports (CRR) of which 4 are selected to highlight progress made by APRM member states in advancing the implementation of the Durban Declaration and Programme of Action (DDPA), with the ultimate goal to showcasing its continued relevance, Challenges as well as opportunities for generating political will. The main criteria for selecting these countries is the geographical balance. These include Mauritius (East); Sierra Leone (West); Algeria (North) and South Africa (South).

Selected APRM country review reports

Mauritius

Mauritius Country Review Report which was published in 2010 provides an excellent case to report on progress on the Durban Declaration, 2001. The report notes that one of the reasons for Mauritius's success is that the country has never experienced conflicts with any of its neighbours since independence. Mauritians are descendants of immigrants from India, China, parts Africa, Madagascar and mainly from France. The report also commends Mauritius for exemplary management of diversity based on legal grounds. A constitutional amendment in 1982 barred the recording of ethnicity during census counts.

Such diversity presents Mauritius with both opportunities and challenges. The Mauritius Country Review Report notes that Mauritius must manage its diversity carefully to ensure political stability and extend opportunities to all citizens. The constitution guarantees equal treatment and non-discrimination to every Mauritian citizen. The Best-loser System (BSL)/ First Past the Post (FPTP) increases political participation and opportunity for minority ethnic groups. In the context of a broader

political reform debate, the report learnt that there is a general consensus that it is necessary to ensure that ethnic minorities participate in politics by introducing a proportional representation system to complement the current first-past-the-post (FPTP) system.

The CRM found that the success of managing diversity in Mauritius is the result of a combination of several factors. First, the electoral system will prevent the unintended consequences of a majoritarian or winner-takes-all system. Secondly, the Mauritian constitution forbids discrimination on any ethnic, religious or other grounds. Persons who think that their rights have been infringed can appeal to the Supreme Court for redress. In addition, the country has the Equal opportunities Act of 2008, which aims to achieve equal opportunity for all Mauritians. Thirdly, the CRM learnt that Mauritius approaches its diversity pragmatically and tolerantly. The government has the Ministry of Education, Culture and Human Resources which fosters cultural interaction and understanding between the diverse groups in society, despite criticisms. The report noted that, apart from government-led measures, Mauritius has the interdenominational Council of religious. It aims to promote religious tolerance and spiritual understanding.

However, considerable inequality in the country especially in the Creoles community is major challenge. High numbers of Creoles are poor, suffer from high levels of unemployment and have low levels of education. They are poorly represented in senior positions in the civil service and the private sector. In addition, Rodrigues, where Creoles are in majority, is generally poorly developed.

Sierra Leone

The Sierra Leone Country Review Report reveals a rather different picture from the optimism for peace consolidation. Although stakeholders agree that civil war is over and that there is only a remote likelihood of an outbreak of open violent conflict, many expressed some disquiet that the fundamental conditions that gave rise to the civil war have yet to be fully addressed. It is important to acknowledge that Sierra Leone has suffered a great deal of structural violence prior to the start of the civil conflict in 1991 and unless genuine and significant efforts are put into addressing the underlying causes of the conflict, the current peace may be fragile, with much greater chances of an eventual relapse into war.

The cultural, economic and political environment of governance and institution-building in post-conflict Sierra Leone have improved substantially. However, potential triggers of intra-state conflict remain threats to national stability. These triggers include: (i) high poverty rates; (ii) youth unemployment; (iii) mutual distrust and lack of constructive cooperation between the two major parties – the APC and SLPP; (iv) electoral violence; (v) perceived ethno-regional imbalance in presidential public political appointments.

These triggers were the result of years of bad governance, characterised by political and administrative centralisation, the misuse of mineral resources – diamonds, in particular, contributing to conflict, and problems with the governance of traditional institutions in Sierra Leone.

Algeria

Algeria with a total population estimated to over 41 million, of which about 90% are the Arab people and the remainder are indigenous¹. Algeria was ranked as the 16th most racist country in the world². There has been a long history coupled with conflicts associated with terrorism in Algeria³. After a war of liberation, characterised by destructive violence affecting the people, infrastructure and environment, Algeria had to deal with renewed violence and terrorism. The country managed to avoid civil war and gradually reduced, within the space of a decade, the climate of violence and unprecedented barbarism that characterised the period of terrorism. Afterwards then the country enjoyed two decades of stability and peace.

Peaceful consolidation calls for a comprehensive understanding of the underlying causes of terrorism. In Algeria there exist social and economic inequalities, increased poverty and unemployment, and the lack of trust between the Government and the people. These are the factors that, to a greater or lesser extent, provided fertile ground for terrorist recruitment and action. The Algeria Country Review Report notes the concern of the Algerian authorities with reducing the blatant imbalances observed between the regions by implementing a development programme.

In Algeria there a continued violation of rights of Indigenous peoples. Following legislation in 1889, most Europeans in Algeria – regardless of origin – had the rights

¹ Convention on the Elimination of Racial Discrimination Alternative Report Submission Indigenous Rights Violations in Algeria, 2017.

² Businesstech.2016. The most racist countries in the world.
<https://businesstech.co.za/news/lifestyle/116644/the-most-racist-countries-in-the-world/>

³ Algeria APRM Country Review Report, 2007

of French citizens, while the Arabo-Berber majority was governed according to a separate legal code. Limited interaction between settlers and the so-called 'indigènes' contributed to a deeply ingrained settler racism that was particularly hostile to any sign of Arabo-Berber social and political advancement⁴. Even though Tamazight has been recognized as an official language, Algeria is an Arab country with anti-Amazigh laws still in effect⁵. Although Berber became an official — but not a national — language in Algeria in 2002, the Tamazigh language is still not taught in public schools or in universities. This is a violation of Article 2(c) of CERD, which requires that states take effective measures to review government policies and laws that perpetuate racial discrimination. It is also a violation of Articles 1, 3, and 4, which condemn racial differences and propaganda based on racial or ethnic differences.

South Africa

As one of the last countries to have achieved self-determination and equality and now arguably as the most prosperous nation in Africa, South Africa has lessons to teach not only other countries on the continent but also in other regions on healing the wounds of a long, bloody and ugly period, holding fair, free and credible elections and achieving fast economic and human development. South Africa is, in many ways, a beacon of hope for the continent.

⁴ Barclay, F., Chopin, C.A & Evans, E. 2018. Introduction: settler colonialism and French Algeria

⁵ The Indigenous World 2017." IWGIA, 2017, pp. 433–437, www.iwgia.org/images/documents/indigenous-world/indigenous-world2017.pdf

Victims of the apartheid system in South Africa did not allow themselves to be immured in the walls of hatred, resentment and revenge. Rather, they let go of the bitterness and the desire to inflict the pain they endured on those who caused them indescribable suffering.

Post-apartheid South Africa established a Truth and Reconciliation Commission (TRC) charged with investigating and making public crimes perpetrated under apartheid. The TRC gave a voice to the innumerable victims of apartheid. It also listened to victimizers who confessed their bad deeds and made provisions for pardoning them. This dispensation rooted in forgiveness was critical for the positive direction South Africa took after the abolition of apartheid and the election of the first black president in 1994.

In the South Africa CRR published in 2007, the APRM commended the country for the successful organisation of the 1994 elections as well as the adoption of a constitution in 1996. This compact between the people and the state, considered one of the most progressive legal documents in the world, guarantees basic freedoms and rights for all South Africans. Generally speaking, in the political and legal spheres, South Africa has put in place good structures that respect and protect citizens' dignity and equality.

However, in terms of building an economically equitable society, South Africa has still much to do. Beyond the Black Economic Empowerment (BEE) programme, there was no policy launched by the government to tackle the problem of what some people call "economic apartheid". It has been argued that even the BEE has shortcomings as it is a programme that has failed to lift the majority of Black South Africans out of poverty.

The considerable economic disparity between white and black South Africans demonstrates that apartheid's legacy is alive and well. While the accumulation of wealth in the hands of one race and the concomitant immiseration of the other was condoned and sanctioned for most of the twentieth century, economic inequality no longer has legal validity.

As some black people have seen their fortunes change after apartheid, they fail to relate to the economically marginalised majority. In the absence of a common understanding as well as experience of hardship, the sinews which constitute social cohesion can fast dissolve. Therefore, the unfair distribution of wealth needs to be addressed to avert a breakdown of law and order in a country which has struggled to shake off images of petty crime, lethal street demonstrations or vandalism that are often associated with it.

Having achieved levels of development which continue to elude most of the continent, South Africa has naturally been a choice destination for economic migrants who have come to the country to better their lives. These migrants, hailing from different corners of Africa, have generally lived peacefully with locals.

However, economic downturns and perceived inaction by the government in certain critical areas such as housing, employment and health care, have fuelled anger and led some frustrated South Africans to attack black foreigners -and shops owned by them- whom they see as illegally taking advantage of the opportunities belonging to them.

The South African government has time and again condemned afrophobic acts and clearly distanced itself from them. Notwithstanding placating rhetoric from public officials, recurring cycles of violence and inflammatory statements made by some

local rulers justifying assaults on foreigners⁶, have worsened relationships between outsiders and natives who have come, in recent years, to mistrust each other.

Another form of violence which is frequent in South Africa is that which is directed against females. Gender-based discrimination is a topic covered in the DDPA. The document calls for wide and unrelenting efforts to eradicate this form of violence because women and girls can fall prey to abuse not just on account of their races and ethnic groups but also because of their gender.

Managing diversity is a delicate exercise that requires not just the government's but also the population's active participation in education, employment and commerce. But if properly harnessed, diversity can contribute to a country's greatness. As the APRM South Africa CRR argues, "[v]ibrant economies such as the USA have thrived on the diverse racial and cultural strengths and capacities of its immigrants."⁷

To this day, racism, racial discrimination, xenophobia and related intolerance are causes of conflict, displacement and poverty which destabilise and deprive Africa of much-needed human and physical capital.

As the governance institution par excellence in Africa, the APRM pays attention to issues of the rule of law, human rights and justice in its member-states. These topics bolster the African Union (AU)'s discourse on and work in governance. Indeed, they are in line with aspiration 3 of Agenda 2063, the fifty-year roadmap guiding the

⁶ "News 24, Zulu king shows little remorse for contributing to xenophobic violence." June 4, 2016. <https://www.news24.com/SouthAfrica/News/zulu-king-shows-little-remorse-for-contributing-to-xenophobic-violence-lhr-20160406>

⁷ South Africa APRM country review report. Page 287.

trajectory of the continent in order to achieve an "Africa that we want", prosperous, at peace and enjoying high standards of living.

Challenges to successful the implementation of the DDPA

Two main challenges to the implementation were evident in APRM country review missions: the rise of populism and lack of awareness.

Today's world is increasingly shaped by populist movements led by charismatic leaders. In Europe, the US and further afield we have seen the rise of those who claim to champion the cause of the working poor. Nationalism and populism offer no real solutions to the complex challenges societies face. They are often grounded in conspiracy theories, echoing and amplifying through social media, where unchecked lies become reality. In places where unemployment rises as people are replaced by machines or overseas workers, these movements make empty promises about national pride to people who feel powerless and unrecognised. They sow the seeds of resentment and anger; and they harvest hatred and violence⁸. Nationalism is the very opposite of patriotism. It sharpens divisions, induces violence and makes society more unsafe.

During APRM country review missions, Panel members were assigned to assess public awareness around the Durban Declaration. The general observation was that citizens at that grass root level have limited knowledge of it.

⁸ Statement by UN High Commissioner of Human Rights Michelle Bachelet

Opportunities

Campaigns will certainly be welcome as the African Union is implanting its flagship project, the Continental Free Trade Area (CFTA), and this develop the sense of belonging to a single community.

Conclusion

The international community is sensitive to the issue of racism and all forms of discrimination. The major international meetings held in Geneva in 1978 and 1983, in Vienna in 1993, and later the Durban Declaration was Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001, were instrumental in the world's response to these issues.

The African Peer Review Mechanism (APRM), Africa's home-grown institution of self-assessment of good governance, in line its Questionnaire, has repeatedly discussed the salient nature of prejudice against certain communities in its country review reports (CRR). In two years' time, the world will celebrate the 20th anniversary of the Durban Declaration and Programme of Action (DDPA). As is the case in APRM reviewed countries, the paper highlighted that Durban Declaration is still relevant and that much progress could have been achieved. In Africa, challenges such as lack of public awareness, the rise of populism, high levels of poverty and lack of resources have critically impeded the implementation of the Durban Declaration.

It is therefore suggested that countries that were signatories provide a progress report on the implementation of the Durban Declaration.