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INTRODUCTION TO THE VIENNA DECLARATION AND PROGRAM OF ACTION

Vernellia R. Randall*

The Vienna Declaration and Program of Action was the result of a historical meeting of Africans and African descendants that took place on April 28 to 29, 2001 in Vienna, Austria.¹ At that time about 135 African and African-descendant non-governmental organizations and individuals gathered to plan for the third United Nation World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (“WCAR”) to be held in Durban, South Africa from August 31 to September 7, 2001.² Prior to that meeting, Africans and African descendants met during the First World Preparatory and the Regional Preparatory Conferences (PrepCon) in Europe, Africa, Asia and America.³ From these meetings it became clear that the interests of African and African descendants were not being adequately acknowledged in the preliminary meetings and conferences.⁴

BACKGROUND

Since its creation, the United Nations has struggled to find measures to combat racial discrimination and ethnic violence. This commitment is reflected in the adoption of a number of resolutions, conventions and declarations, including:

1. Convention of the Prevention and Punishment of the Crime of Genocide - 1948⁵
2. Prevention and Punishment of the Crime of Genocide⁶

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1. Press Statement, African Caucus Group, *Africans and African Descendants Unite to Raise Concerns in Vienna Meeting*, at <http://www.hri.ca/racism/meetings/viennapress.htm> (last visited March 7, 2002) (discussing upcoming UN World Conference Against Racism in South Africa August-September 2001).

2. Association for Human Rights and Democracy in Africa, *Historic meeting in Vienna: Africans and African Descendant Met in Vienna Last Weekend*, at <http://www.handl.net/zitig/ahdahist.html> (last visited Mar. 7, 2002)

3. United nations World Conference Against Racism, *Report of African and African Descendants Caucus*, at <http://academic.udayton.edu/race/06hrights/VictimGroups/AfricanDescendants/WCARReport02.htm>, (last visited Mar. 7, 2002).

4. *Id.*

5. Convention on the Prevention and Punishment of the Crime of Genocide, G.A. 78, U.N.T.S. 277 (1948).

6. *Prevention and Punishment of the Crime of Genocide*, G.A. Res. 260 (III), U.N. GAOR 78 U.N.T.S. 277 (1948).

3. Declaration on the Elimination of All Forms of Racial Discrimination - 1963⁷
4. International Convention on the Elimination of All Forms of Racial Discrimination - 1965⁸
5. March 21 was designated International Day for the Elimination of Racial Discrimination - 1966⁹
6. International Convention on the Suppression and Punishment of the Crime of Apartheid - 1973¹⁰
7. First Decade to Combat Racism and Racial Discrimination--1973-1982¹¹
8. First World Conference to Combat Racism and Racial Discrimination-- Geneva, 1978
9. Second World Conference to Combat Racism and Racial Discrimination-- Geneva, 1983
10. Second Decade for Action to Combat Racial Discrimination 1983-1992¹²
11. Third Decade to Combat Racism and Racial Discrimination 1994-2003¹³

In December 1997, the General Assembly called for a third world conference against racism.¹⁴ In 1999, the General Assembly's Third Committee decided that the conference should be preceded by regional meetings. Each regional conference was charged with drafting a declaration and a plan of action on racism that would ultimately be synthesized into a single set of documents to be ratified in Durban, South Africa in 2001. The regional meetings were in Strasbourg, France;¹⁵ Santiago, Chile;¹⁶ Dakar,

7. United Nations Declaration on the Elimination of All Forms of Racial Discrimination, G.A. Res. 1904 (XVIII), U.N. GAOR, 18th Sess. (1963).

8. International Convention on the Elimination of All Forms of Racial Discrimination, Dec. 21, 1965, 660 U.N.T.S. 195.

9. G.A. Res. 2142 (XXI), U.N. GAOR, 21st Sess. (1966), at <http://www.un.org/events/pap40.htm> (explaining that the International Day for the Elimination of Racial Discrimination is observed annually on 21 March. On that day in 1960, police opened fire and killed 69 people at a peaceful demonstration in Sharpeville, South Africa, against the apartheid "pass laws" in Sharpeville, South Africa).

10. International Convention on the Suppression and Punishment of the Crime of Apartheid, Nov. 30, 1973, 1015 U.N.T.S. 243.

11. First Decade to Combat Racism and Racial Discrimination (1973-1982), G.A. Res. 3223, U.N. GAOR, 29th Sess., Supp. No. 31-A/9631, U.N. Doc. A/RES/3223 (1974).

12. Second Decade for Action to Combat Racism and Racial Discrimination (1983-1992), G.A. Res. 77, U.N. GAOR, 47th Sess., Supp. No. 49, at 158, U.N. Doc. A/47/49 (1992).

13. Third Decade for Action to Combat Racism and Racial Discrimination (1994-2003), G.A. Res. 146, U.N. GAOR, 49th Sess., Supp. No. 49, at 162, U.N. Doc. A/49/49 (1994).

14. *Third World Conference Against Racism*, G.A. Res. 149, U.N. GAOR, 52nd Sess. (1997).

15. *Reports of Preparatory Meetings and Activities at the International Regional and National Levels*, U.N. Doc. A/CONF.187/PC.2/6 (2000), available at [http://www.unhcr.ch/huridocda/huridocda.nsf/\(Symbol\)/A.CONF.189.PC.2.6.En?Opendocument](http://www.unhcr.ch/huridocda/huridocda.nsf/(Symbol)/A.CONF.189.PC.2.6.En?Opendocument) (last visited: Mar. 7, 2002) (final documents of the European Conference Against Racism held in Strasbourg, France on Oct. 11-13, 2000).

16. *Reports of Preparatory Meetings and Activities at the International Regional and National Levels*, U.N. Doc. A/CONF.189/PC.2/7 (2000), available at [http://www.unhcr.ch/huridocda/huridocda.nsf/\(Symbol\)/A.CONF.189.PC.2](http://www.unhcr.ch/huridocda/huridocda.nsf/(Symbol)/A.CONF.189.PC.2) (last visited Mar. 7, 2002) (final documents of the Americas Conference Against racism held in Santiago, Chile on Dec. 5-7, 2000).

Senegal;¹⁷ and Tehran, Iran.¹⁸ In addition, the committee also decided to have two preparatory inter-governmental meetings at the United Nations in Geneva.

Previously, the two other world conferences, held in 1978 and 1983, had almost exclusively focused on apartheid in South Africa. The proposed third world conference had no such limitations. Apartheid had ended in South Africa in 1994, and the General Assembly expanded the conference to include not only issues of racism and racial discrimination, but also xenophobia and “related intolerance.” Consequently, the groups and issues vying for attention included an extreme range of diversity: the Dalits, the “Russian Panthers,” the Romas, the Sikhs, the Palestinians, the Jews and migrants and migrant workers.

With the broad range of constituents struggling for attention, African and African descendants from Asia, Europe, North America, South America and the Caribbean attended the Vienna Conference because of a deep concern that the preparations for the third WCAR, had given little attention to issues of “anti-black racism.”¹⁹ For instance, at the November 2000 meeting of the European Preparatory Conference for European Non-Governmental Organizations (“NGOs”) and state governments in Strasbourg, France, there was very little discussion of anti-black racism. The situation was complicated by the European Union’s position (both governmental and non-governmental organizations) regarding the term “race.” Specifically, the European Union (“EU”) adopted the position that addressing the “problems” of different races was inappropriate because there was only one race - the human race. Thus, according to the EU, “the notion of racism as a theory based on the so-called superiority of a race or ethnic group over another is no longer pronounced, [although] theories of supposedly insurmountable cultural differences between groups can be observed.”²⁰ The EU acknowledged the problems of racism, racial discrimination and xenophobia, but was reluctant to address the problems of African descendants. This reluctance did not extend to other groups. Consequently, the EU's Declaration and Program of Action mentions Romas,²¹ Jews,²² and Immigrants.²³ Amazingly, the European Declaration and

17. *Reports of Preparatory Meetings and Activities at the International Regional and National Levels*, U.N. Doc. A/CONF.189/PC.2/8 (2001), available at [http://www.unhcr.ch/huridocda/huridocda.nsf/\(Symbol\)/A.CONF.189.PC.2.8.En?Opendocument](http://www.unhcr.ch/huridocda/huridocda.nsf/(Symbol)/A.CONF.189.PC.2.8.En?Opendocument) (last visited: Mar. 7, 2002) (final documents of the Report of the Regional conference for Africa in Dakar on Jan.22-24 2001).

18. *Reports of Preparatory Meetings and Activities at the International Regional and National Levels*, U.N. Doc. A/CONF.189/PC.2/9 (2001), available at [http://www.unhcr.ch/huridocda/huridocda.nsf/\(Symbol\)/A.CONF.189.PC.2.9.En?Opendocument](http://www.unhcr.ch/huridocda/huridocda.nsf/(Symbol)/A.CONF.189.PC.2.9.En?Opendocument) (last visited: Mar. 7, 2002) (final documents of the Report of the Asian Preparatory Meeting in Tehran on Feb. 19-21 2001).

19. Although South America and Asia were underrepresented in Vienna.

20. U.N. Doc. A/CONF.189/PC.2/6, *supra* note 16.

21. *Id.*

22. See *Violent acts against members of Jewish communities and dissemination of anti-Semitic in*

plan of action makes no specific mention of African and African descendants or of anti-black racism.²⁴

Concerned about this lack of focus, a strong statement was issued by people of African descent at the Americas Precon in Santiago, Chile in December, 2000.²⁵ However, subsequent documents from other WCAR-related meetings, most notably the "Inter-sessional" meeting in Geneva in March 2000, continued to ignore issues related to Africans and African descendants, most specifically, anti-black racism.

This is not to say that there was a total absence of any discussion around any issue of concern to Africans and African descendants. Compensation (or reparations) owed to descendants of victims of the slave trade, slavery and colonialism was a central issue of contention at the first World Precon in Geneva in February, 2000.²⁶ Governments from North America and Western Europe clashed with African states and NGOs over whether compensation should be included under the theme of effective remedies for victims of racism. There was also disagreement over declaring slavery and the slave trade "crimes against humanity." Thus, controversy over compensation and over declaring slavery a crime against humanity, coupled with the absence of focus on anti-black racism, left many Africans and African descendants feeling as though issues of importance to them would not be fairly represented in the final document emerging from WCAR. The one exception to this lack of attention was the America's Declaration and Plan of Action which included a number of sections specifically on African descendants²⁷ and the African Report which addressed the issues of Africans.²⁸ These circumstances set the stage for the Vienna Meeting of Africans and African Descendants.

U.N. Doc. A/CONF. 189/PC.2/6, *supra* note 16.

23. U.N. Doc.A/CONF.189/PC.2/6), *supra* note 16.

24. *Id.*

25. Preparatory Conference of the Americas Against Racism Racial Discrimination, Xenophobia and Related Intolerance, Declaration of African Descendants, December 5-7, 2000, Santiago, Chile <http://academic.udayton.edu/race/06hrights/VictimGroups/AfricanDescendants/AfricanDescendants.htm> (Last Visited: March 7, 2002).

26. PREPARATORY MEETINGS AND ACTIVITIES AT THE INTERNATIONAL, REGIONAL AND NATIONAL LEVELS, Report of the expert seminar on remedies available to the victims of racial discrimination, xenophobia and related intolerance and on good national practices in this field, held in Geneva from 16 to 18 February 2000: note by the Secretary-General, Preparatory Committee, First session Geneva, 1-5 May 2000, [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.CONF.189.PC.1.8.En?Opendocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.189.PC.1.8.En?Opendocument) (Last Visited: March 7, 2002)

27. REPORTS OF PREPARATORY MEETINGS AND ACTIVITIES AT THE INTERNATIONAL, REGIONAL AND NATIONAL LEVELS, Final documents of the Americas Conference against Racism (Santiago, Chile, 5-7 December 2000 (A/CONF.189/PC.2/7) [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.CONF.189.PC.2.7.En?Opendocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.189.PC.2.7.En?Opendocument) (Last Visited: March 7, 2002)

28. REPORTS OF PREPARATORY MEETINGS AND ACTIVITIES AT THE INTERNATIONAL, REGIONAL AND NATIONAL LEVELS, Final documents of the Report of the Regional Conference for Africa (Dakar, 22-24 January 2001) A/CONF.189/PC.2/8 [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.CONF.189.PC.2.8.En?Opendocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.189.PC.2.8.En?Opendocument) (Last Visited: March 7, 2002)

THE VIENNA MEETING

The Vienna Meeting was not the first time Africans and African descendants had met to address the globalization of "Anti-Black Racism." Pan-African meetings date back as far as 1900 when the first Pan-African Conference was held in London, England.²⁹ After World War I and through the 1920s, African American scholar and activist W. E. B. Du Bois organized four Pan-African Congresses held in various sites around Europe.³⁰ In 1945, the fifth Pan-African Congress, which Du Bois participated in but did not organize, was held in Manchester, England.³¹ In 1974 and 1996, the sixth and seventh Pan-African Congresses broke with history and were held on the continent of Africa, in Tanzania and Uganda, respectively.³² In all of these gatherings, issues of racism, colonialism, the legacy of slavery and the slave trade and Black Diaspora unity were addressed:

[the] exploitation of the continent of Africa and African people ... has driven the engine of capitalism from slavery, colonization to present day globalization. It is . . . [the] exploitation of the continent of Africa and African peoples that has resulted in the particular form of anti-Black racism that is pernicious and marginalizes Africans and African descendants socially, economically and politically.³³

Thus, the Vienna Meeting represented a continuation of those discussions, concerns and issues echoed at previous efforts to bring together Africans and people of African descent.

The Vienna Meeting was called by the Rev. Ihueghian Victor, of the

29. Walter H. White, Jr., *A REPORT FROM THE CHAIR*, 26-SUM Hum. Rts. I (Summer, 1999) The conference was convened by Henry Sylvester-Williams, a Barrister from Trinidad. W.E.B. Du Bois participated and was appointed to chair a Committee on Address to the Nations of the World. The address contains one of Dr. Du Bois's most famous statements:

The problem of the 20th century is the problem of the color line, the question as to how far differences of race-which show themselves chiefly in the color of the skin and the texture of the hair-will hereafter be made the basis of denying to over half the world the right of sharing to their utmost ability the opportunities and privileges of modern civilization. (PHILLIP S. FONER AND SHIRLEY GRAHAM DU BOIS, *W.E.B. DU BOIS SPEAKS: SPEECHES AND ADDRESSES 1890-1919* Copr.1970.)

30. See e.g., Nathaniel Berman, *Shadows: du Bois and the Colonial Prospect*, 45 Vill. L. Rev. 959 (2000)

31. Edward A. Laing, *The Norm of Self-determination, 1941-1991*, 22 Cal. W. Int'l L.J. 209 (1991-1992)

32. Edward A. Laing, *The Norm of Self-determination, 1941-1991*, 22 Cal. W. Int'l L.J. 209 (1991-1992)

33. African Canadian Coalition Against Racism, <http://www.accar.net/conference.html> (Last Visited: March 7, 2002)

Association for Human Rights and Democracy in Africa (AHDA) and Chinedu Ene, of the Petadisis Community Organization. The co-chairs of the conference were Amani Olubanjo Buntu and Sithabile Mathe, both of the Afrikan Youth In Norway.³⁴ The stated purpose of the meeting was to raise important issues and to seek a consensus about these issues in preparation for the WCAR and beyond. The meeting included a number of presentations on issues confronting Africans and African descendants including:

1. transatlantic slave trade and declaring it a crime against humanity;
2. compensation or reparations for victims of the slave trade, colonialism and present injustices related to racism;
3. lack of overall mention of people of African descent in WCAR preparatory declaration and plan of action documents;
4. action to combat racism;
5. legacy of apartheid, colonization and slavery;
6. migrants, asylum seekers and refugees;
7. education and employment;
8. health and health care;
9. youth; and
10. women.

On the second day of the meeting, a coordinating committee was elected to carry the work of the gathering to the Second World Preparatory Conference held in Geneva at the end of May, 2001. The members of this Committee included Vernellia Randall and Mildred Bahati, both from the United States of America, Eleonora Wiedenroth of Germany, Marian Douglas of Macedonia, Cikiah Thomas of Canada, Mutombo Kanyana of Switzerland and Annie Davies of Nigeria. This committee was specifically charged with drafting a Declaration and Program of Action.

THE DRAFTING, APPROVAL AND DISTRIBUTION

During the Vienna Meeting, a small-group process was utilized to brainstorm items that should be included in the Declaration and Program of Action. Each small group presented their list to the entire body where the items were discussed. The drafting committee headed by Professor Vernellia Randall generated a draft that was circulated via email to all the attendees at the Vienna Meeting. After redrafting, the document was circulated to the African Caucus Group. This group included Africans and African descendants

34. Vienna Declaration and Program of Action, <http://academic.udayton.edu/race/06hrights/VictimGroups/AfricanDescendants/ViennaDeclaration.htm> (Last Visited: March 7, 2002)

who attended any of the preparatory meetings and included several hundred individuals throughout the Black Diaspora. After feedback, comment and redrafting, the final document was adopted by consensus via e-mail.

IMPACT OF THE VIENNA DECLARATION AND PROGRAM

An English version of the declaration was distributed at the Second World Preparatory Conference and was a foundational document for much of the lobbying activity that occurred. French, English and Spanish translations were widely distributed at the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The Vienna Conference and the resulting Vienna Declaration played a pivotal role in the work of Africans and African descendants at the World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance. As noted in the final Report of the Africans and African Descendant Caucus:

A major development in the ability of Africans and African Descendants to independently organize was the international African and African Descendants Conference [(“AADC”)] held in Vienna, Austria in April, 2001. This historic conference, attended by representatives covering most of the Black World, was convened by Africans and African Descendants in a concerted effort to refute the efforts at Strasbourg and the attempts by the Western European countries to subvert the work and unity of the Africans and African Descendants manifesting itself in the international and regional preparatory meetings. The Vienna Conference produced a groundbreaking declaration which eloquently articulated and delineated many key positions which would be read and advocated by African and African Descendants throughout the WCAR process. Without question the Vienna Declaration’s unique and unadulterated, sharpened, and keenly intellectual expression of the key issues and programmes of action for Africans and African Descendants was used as guidance by the Drafting Committee of the AADC and would inform the content of many of the position papers of the AADC.³⁵

35. “WCAR Report of African and African Descendants Caucus”, <http://academic.udayton.edu/race/06hrights/VictimGroups/AfricanDescendants/WCARReport02.htm>, (Last Visited March 7, 2002)

