



大会

Distr.  
GENERAL

A/CONF.189/PC.3/6  
26 July 2001  
CHINESE  
Original: ENGLISH

反对种族主义、种族歧视、仇外心理  
和相关的不容忍现象世界会议  
筹备委员会  
第三届会议  
2001年7月30日至8月10日，日内瓦  
临时议程项目5

宣言和行动纲领草案

主席关于21国小组关于  
宣言草案讨论情况的解释性说明

本文件载有21国小组关于宣言草案讨论结果的摘要及议事情况的说明，从中可以追溯文件A/CONF.189/PC.2/27所载宣言草案每一段的形成过程。

## 导 言

1. 21 国小组是根据反对种族主义、种族歧视、仇外心理和相关的不容忍现象筹备委员会第 PC.2/3 号决定于 2001 年 6 月 1 日建立的，其任务为：

- (a) 就案文的进一步重新编排包括确定各段位置提出建议；
- (b) 就段落的合并或综合提出建议；
- (c) 就删除段落提出建议；
- (d) 就使案文更为精练和可行以利谈判提出建议。

2. 为完成其任务，小组于 2001 年 6 月 5 日至 15 日召开了第一次会议。筹备委员会主席团考虑到仍有待小组完成工作的数量，于其 6 月 15 日的会议上决定将小组期限延长至 2001 年 6 月 29 日。

3. 开始将内容类似的段落合并时，小组最初遇到工作方法方面的问题，特别是段落合并的方式。于是开始认真审视小组任务是否切实可行。出现了这种情况，主席不得不介入对一些事项进行裁决，但有的裁决受到一些代表团的反对，这就导致主席团于 2001 年 6 月 7 日召开特别会议，以便给小组以保证和指导。主席团在其对这些问题的裁定中对主席的工作方法表示肯定，并一般地告诫代表团不要阻碍小组任务的执行。主席团进一步裁定，小组把某些词语和段落放在括号内或加以强调的做法是不必要的，因为一般的理解是，整个文件均属未定，有待筹备委员会在其第三届会议上协商。

4. 小组内处理问题的方式有时极为麻烦耗时，特别是当一些小组成员不能创造性地处理有若干选项的段落的时候，如“敦促/鼓励/请和要求”。小组把这些选项留给筹备委员会去解决。

5. 小组在审核第 A/CONF.189/PC.2/27 号文件时，共发现 83 个重复段落，随后根据共同意见将其删除。在整个合并段落过程中，小组共删除 232 段而未损害任何实质性内容。小组的努力使原文件的篇幅压缩近 40%。小组于是决定编写一个新的工作文件/清洁文本做为筹备委员会第三届会议协商的基础。说明删除和合并方法的辅助性文件(表格)以报告附件的形式提供给代表们参考。

6. 尽管在方法以及对其任务的实际理解/实际解释上存在歧见，小组还是通过协商一致的方式将近 95%的段落合并。此过程中，对合并后各段组成部分的先后顺序，大家意见一般是一致的。经过较长时间讨论，小组也在按问题和受害人

种类来安排宣言和行动纲领段落顺序上达成一致意见。小组在上面谈到的两种情况中保持了联贯一致。

7. 然而在其余 5%段落的合并中却难以达成一致意见。分歧往往不是基于问题的实质，而在很大程度上是由于一些代表团担心，认为小组改动语言很容易会改变这些段落的意义或内容。一些代表团极其谨慎，不愿参加容易被认为是不符合小组任务的“实质性”讨论。不能达成一致意见因而需主席裁定的包括如下一些问题：

- (a) 全球化作为种族主义起因；
- (b) 关于全球化段落的放置；
- (c) 关于各种受害者段落的顺序；
- (d) 在列举各种受害者的段落中加入亚洲人及亚裔人民；
- (e) 根据《消除一切形式种族歧视国际公约》定义种族歧视及恶化的/多种形式歧视的定义。

8. 小组在执行其任务时还决定：

- (a) 根据段落内容与主题的关系将其由一主题移至另一主题之下；
- (b) 将行动纲领中具有宣言性质的段落移至宣言中，并在一些情况下与其中已有段落合并；
- (c) 将筹备委员会第二届会议成立的工作组标有“未定”字样的段落为并段之目的而拆散。

9. 小组经协商一致决定不考虑与巴勒斯坦和被占领土这一敏感问题有关的段落的删除与合并。小组认为关于中东段落的语言分歧巨大，在小组内无法形成一致意见。

10. 小组开始工作的文件有 631 个段落和段落群。小组将其分类，找出哪些段落语言重复，以便建议将其删除或合并。这一过程使小组将文件段落减少至 400 个。在宣言中，有大约 20 个段落被删除，71 个段落被合并为 30 个。在行动纲领中，大约 69 个段落因与其他段落类似而被删除，161 个段落合并成 62 个。

11. 下附说明与宣言草案的审查有关。对行动纲领讨论情况的说明载于本文件增编(A/CONF.189/PC.3/6/Add.1)中。

## **Annex**

### **Explanations of the proceedings on the draft Declaration**

- Paragraph following PP42:** resulted from the merger of OP24 with OP25.
- Paragraph 1:** retained as it was and OP1bis was deleted because most of its elements are subsumed in New OP1bis alternative as amended.
- Paragraph 2:** adopted at Prep. Com. II.
- Paragraph 3:** adopted at Prep. Com. II.
- Paragraph 4:** resulted from the merger of OP3, OP2 and OP2 alternative because of their similar nature.
- Paragraph 5:** retained as it was (OP4bis5).
- Paragraph 6:** new 104 PoA, transferred to the Declaration.
- Paragraph 7:** retain as it was (OP10bis3).
- Paragraph 8:** resulted from the merger of OP17bis with OP17bis1.
- Paragraph 9:** resulted from the merger of OP17bis4 and the end of OP17 starting with the words “At present” and ending with “equitable”.
- Paragraph 10:** retained as it was (OP6bis1).
- Paragraph 11:** resulted from the merger of OP1bis9 and OP1bis12 (part 1) which are similar in nature.
- Paragraph 12:** resulted from splitting OP1bis12 into two parts. The second part was retained as the current paragraph (OP1bis12, part 2).
- Paragraph 13:** resulting from the merger of OP1bis14 and OP13bis10 which are similar in nature.
- Paragraph 14:** retained as it was (OP1bis16), except the last sentence reading “The States must take effective measures to remove the effects of such manifestations” which was deleted because the ideas contained therein are covered in New OP1bis alternative.
- Paragraph 15:** retained as it was (OP1bis15).
- Paragraph 16:** resulted from the merger of OP1bis8 and OP20 which are similar in nature.
- Paragraph 17:** retained as it was (OP20 alternative).
- Paragraph 18:** retained as it was (OP1bis13). The words “today could constitute” were a subject of discussion. Some delegations felt that crimes against humanity should be recognized as such at any time, in the past, today and in the future. From that perspective, slavery and the trans-Atlantic slave trade are crimes against humanity. Other delegations expressed the contrary opinion.
- Paragraph 19:** resulted from the merger of New 122 (PoA) and OP17bis3. Some delegations were opposed to keeping the words “colonial exploitation” which they requested to be bracketed. As a way of reaching consensus, the Chairperson proposed that these words be

highlighted in bold but several delegations felt that it was beyond the mandate of the Group to modify the text in this manner. A meeting of the Bureau was called to resolve this procedural matter and the delegations concerned retrieved their proposal relating to the treatment of the words “colonial exploitation” while stressing that they will be open to negotiations within the Preparatory Committee.

**Paragraph 20:** retained with minor editorial changes (OP1bis2, part 2).

**Paragraph 21:** retained as it was (part of 31 PoA).

**Paragraph 22:** resulted from the merger of OP7bis3 with part of OP20bis2 reading “States and the international community should remain especially vigilant during periods of armed conflict and continue to combat all forms of racial discrimination”.

**Paragraph 23:** retained as it was (OP10bis2).

**Paragraph 24:** retained as it was (OP20bis16).

**Paragraph 25:** retained with some amendments: the words “the persistence of” were inserted between “about” and the words “in the application of the law” added between “and in” and “as well as” (OP21bis3).

**Paragraph 26:** in order to broaden the scope of this paragraph, the list of victims referring in particular to Indigenous peoples, peoples of African descent and migrants was deleted. The end of this paragraph starting with “Underscore” was also deleted because it is captured in OP1bis and the list of victims contained therein was abandoned so as to broaden the scope of the text (OP21bis4).

**Paragraph 27:** retained with a minor editorial amendment. The word “fact” replaced “material progress” in the first line (OP10bis1).

**Paragraph 28:** retained with a minor editorial amendment which consisted of replacing “pursuant to” by “in accordance with” (OP20bis1).

**Paragraph 29:** resulted from merging OP1bis17 and OP5bis4 because of similar language. But the Group could not agree on the insertion of the words “Slavery, slave-trade, colonialism” before “The holocausts/Holocaust”. This inclusion was proposed by some delegations which felt that such practices should also never be forgotten.

**Paragraph 30:** retained as it was (OP10bis4).

**Paragraph 31:** resulted from the merger of OP20bis19 with OP20bis15 which had similar language.

**Paragraph 32:** retained as it was (OP20bis18).

**Paragraph 33:** retained as it was. The Group felt that it could be moved to the beginning of the Declaration (OP6).

**Paragraph 34:** resulted from the transfer of part of New 128 (PoA) to the Declaration.

**Paragraph 35:** resulted from the merger of OP13bis9 and OP13bis12 because of their similarity.

**Paragraph 36:** resulted from the merger of the beginning of OP7bis with part of OP10 starting with “we also” on the eleventh line, and ending at “related intolerance”.

**Paragraph 37:** retained as it was (OP4bis1).

**Paragraph 38:** retained as it was (OP13bis8).

**Paragraph 39:** retained as it was (OP13bis13), but the Group felt that this paragraph was too long and there was a proposal to consider seriously breaking it into two parts.

**Paragraph 40:** the end of the paragraph starting with “also note” and ending at “African descent” was deleted because the ideas contained in this sentence are covered in OP13bis7.

**Paragraph 41:** retained as it was (OP20bis9).

**Paragraph 42:** resulted from the merger of OP7bis9 and OP20bis8 because of their similar nature.

**Paragraph 43:** retained as it was (OP4bis) but GRULAC also proposed an alternative text, from the Declaration adopted at Santiago, which reads as follows:

“Emphasize that, in order for indigenous peoples freely to express their own identity and exercise their rights, they should be free from all forms of discrimination, which necessarily entails respect for their human rights and fundamental freedoms and also urges States to allow indigenous peoples to call themselves by their own names; to participate freely and on equal footing in a country’s political, economic, social and cultural development; to maintain their own forms of organization, lifestyles, cultures and traditions; to maintain their own languages; to maintain their own economic structures in the areas where they live; to take part in the development of their educational systems and programmes; to manage their lands and natural resources, including hunting and fishing rights; and to have access to justice on a basis of equality”.

**Paragraph 44:** the last sentence starting with “We also” was moved up to the beginning of the paragraph and the words “the full enjoyment of” and “as well as the benefit of sustainable development” were added (OP7bis8).

**Paragraph 45:** retained as it was (OP20bis17).

**Paragraph 46:** retained with a slight amendment. The words “in concert with” were replaced by “in consultation with” (OP7bis10).

**Paragraph 47:** resulted from the transfer of 80 PoA to the Declaration.

**Paragraph 48:** retained as it was (OP4bis2).

**Paragraph 49:** resulted from the transfer from the PoA to the Declaration of New 133 merged with new 135.

**Paragraph 50:** resulted from the merger of OP7bis4 and OP7bis5 which had similar language.

**Paragraph 51:** retained as it was (OP4bis3).

**Paragraph 52:** retained with slight amendments. The words “bear in mind” were replaced by “we are mindful” and “states” by “countries” (OP7bis7).

- Paragraph 53:** The Group did not consider this paragraph because it was felt that the deletion or merging process would imply substantive discussions which went beyond its mandate (OP7bis6).
- Paragraph 54:** resulted from the transfer of New 137 (PoA) to the Declaration.
- Paragraph 55:** resulted from the transfer of 62bis, part 1 (PoA) to the Declaration.
- Paragraph 56:** resulted from the transfer of New 153 PoA to the Declaration.
- Paragraph 57:** resulted from the transfer of part of 65 (PoA) to the Declaration.
- Paragraph 58:** resulted from the transfer of part of 66 (PoA) to the Declaration.
- Paragraph 59:** resulted from the merger of OP4bis4 and OP10bis8 and OP10bis9 which contain similar ideas.
- Paragraph 60:** retained with a slight amendment. The words “express our deep concern” were moved to the beginning of the paragraph and “recall with” and “about this situation” were deleted (OP10bis5).
- Paragraph 61:** retained as it was (OP20bis5).
- Paragraphs 62, 63, 64, 65, 66, 67:** the Group did not consider these paragraphs because it was felt that the deletion or merging process would imply substantive discussions which went beyond its mandate (OP10bis6, OP20bis3, OP20bis4, OP20bis7, OP20bis10, OP20bis11).
- Paragraph 68:** resulted from the merger of OP13bis and OP13bis alt. which have similar language. GRULAC felt that the following text could also be considered as an alternative: “Also recognizes that racism, racial discrimination, xenophobia and related intolerance manifest themselves in an aggravated and differentiated manner for women, causing their living standards to deteriorate, generating multiple forms of violence, and limiting or denying them the benefit and exercise of their human rights, and in this regard urge States to consider this phenomenon in the formulation of strategies and programmes against racism, racial discrimination, xenophobia and related intolerance, and to integrate a gender perspective”.
- Paragraph 69:** resulted from the transfer of 29bis PoA to the Declaration.
- Paragraph 70:** retained with slight amendments (OP14bis1).
- Paragraph 71:** retained as it was (OP13bis1).
- Paragraph 72:** resulted from the transfer of 45 bis2 (PoA) to the Declaration.
- Paragraph 73:** resulted from the transfer of 98 (PoA) to the Declaration
- Paragraph 74:** resulted from the merger of OP18 and OP18bis.
- Paragraph 75:** resulted from the transfer of part of New 128 (PoA) to the Declaration.
- Paragraph 76:** OP7bis was divided into three parts. The middle part which started with “also note” and ends at “medication” was retained.
- Paragraph 77:** retained as it was (OP1bis10).
- Paragraph 78:** resulted from the merger of OP7 and OP7alt2 which were similar in nature.
- Paragraph 79:** resulted from the merger of OP17bis2 and OP7bis1 which had similar language.

- Paragraph 80:** resulting from slightly amending OP8; the first sentence starting with “We firmly believe” and ending at “societies” was deleted.
- Paragraphs 81 and 82:** the result of splitting OP10. The two last sentences of that paragraph were retained to form OP10 (third and fourth).
- Paragraph 83:** resulted from merging OP1bis, OP10bis7 and OP7bis2.
- Paragraph 84:** retained as it was (OP4).
- Paragraph 85:** retained as it was (OP3bis).
- Paragraph 86:** retained as it was (OP2bis).
- Paragraph 87:** retained as it was (OP1).
- Paragraph 88:** resulted from the transfer of 4 (PoA) to the Declaration.
- Paragraph 89:** resulted from the transfer of 69bis1 (PoA) to the Declaration and slightly amended by introducing the words “we strongly condemn the persistence and resurgence of”.
- Paragraph 90:** resulted from the merger of OP1bis4, OP11bis, OP1bis3 and OP5bis3.
- Paragraph 91:** retained as it was (OP15bis).
- Paragraph 92:** retained as it was (OP15bis2).
- Paragraph 93:** retained as it was (OP15bis1).
- Paragraph 94:** resulted from the merger of paragraphs 24 and 24bis carried over from the PoA.
- Paragraph 95:** resulted from the transfer of 24bis1 (PoA).
- Paragraph 96:** retained as it was (OP15 alt.2).
- Paragraph 97:** resulted from the merger of OP15 with OP15 alt.1 and OP15bis3.
- Paragraph 98:** resulted from the merger of OP15 alt.1 and part of OP16.
- Paragraph 99:** resulted from the transfer of the second part of 14 (PoA) to the Declaration.
- Paragraph 100:** resulted from the merger of OP12bis and OP12bis1.
- Paragraph 101:** resulted from the merger of OP14, OP14 alt.1 and OP14bis2.
- Paragraph 102:** resulted from the merger of OP14 alt.2 with OP14bis3.
- Paragraph 103:** resulted from the transfer of New 74 (PoA) to the Declaration.
- Paragraph 104:** resulted from the transfer of 7 (PoA) to the Declaration.
- Paragraph 105:** retained as it was (OP14bis).
- Paragraph 106:** slightly amended by replacing the words “considering the recognition” by “We recognize” at the beginning of the paragraph and inserting the words “forms of” after “institutionalized”(OP5bis1).
- Paragraph 107:** retained as it was (OP21bis).
- Paragraph 108:** resulted from merging OP20bis6 with OP21bis2, last part, which reads “fundamental prerequisite for the creation of the peace of mind of all parties involved, which gives future efforts better chances of success”.
- Paragraph 109:** resulted from the merger of OP21bis1 with OP21bis2.



**Paragraph 110:** retained as it was (OP13bis5).

**Paragraph 111:** resulted from the merger of OP19bis with OP20bis13.

**Paragraph 112:** in spite of the attempt at rationalizing this paragraph (OP5), the Group could not agree on the various proposals. It was only acknowledged that the words “salute the memory of their victims” were already included in OP6. The following proposals were considered:

- (a) Moving the words “[Recognize the right of victims and their heirs for justice, dignity, respect and correction of, and compensation for, the historical wrongs and their continuing consequences]” to the end of OP6;
- (b) Retain the remaining part of OP5 with the following words “We are conscious that humanity’s history is replete with terrible wrongs inflicted through lack of respect for the equality of human beings/*through lack of recognition of human dignity and rights* manifested through [wars], [*military occupation by settlement*] [*and settlement policies*], genocide, slavery, *in particular, the transatlantic slave trade*, holocausts, [*colonialism*], apartheid, ethnic cleansing and other atrocities, *and we salute the memory of their victims* [and we understand/*acknowledge* the quest] of/*recognize the right of* the victims and their heirs for justice, dignity, respect and correction of, *and compensation for, ~~the~~ historical wrongs and their* continuing consequences ~~of historical wrongs~~. [We call for open national and international dialogue *as required* to address these concerns]; ”
- (c) Retain only these elements: “We are conscious that humanity’s history is replete with terrible wrongs inflicted through lack of respect for the equality of human beings [We call for open national and international dialogue *as required* to address these concerns];

**Paragraph 113:** resulted from the merger of the first part of OP1bis11 and the first part of OP20bis. The word “colonialism” has been bracketed because some delegations stressed that it was not in the original paragraphs which served for the merging.

**Paragraph 114:** retained as it was (OP5bis2).

**Paragraph 115:** retained as it was (OP20bis2).

**Paragraph 116:** resulted from the merger of the second part of OP1bis11 with the last part of OP20bis14.

**Paragraph 117:** retained as it was (OP19bis1).

**Paragraph 118:** resulted from the merger of OP19 alt. with OP19.

**Paragraph 119:** retained as it was (OP24bis)

**Paragraph 120:** retained as it was (OP13bis2).

**Paragraph 121:** resulted from the transfer of the first part of 5 alt. (PoA) to the Declaration.

**Paragraph 122:** retained as it was (OP22bis).

**Paragraph 123:** retained as it was (OP9bis).

**Paragraph 124:** retained as it was (OP22).

**Paragraph 125:** resulted from the transfer of 15bis (PoA) to the Declaration.

**Paragraph 126:** retained as it was (OP9bis1).

**Paragraph 127:** resulted from the transfer of part of 36bis1 (PoA) to the Declaration.

**Paragraph 128:** resulted from the merger of OP9 alt. and part of OP24.

**Paragraph 129:** resulted from the transfer of 37 PoA to the Declaration.

**Paragraph 130:** retained as it was (OP23).

**Paragraph 131:** resulted from the merger of OP9bis3 and OP23bis.

**OP10bis:** this paragraph was deleted but the African Group stressed that the list of victims contained in it ("nationals of different origins, migrant workers, asylum-seekers, refugees, internally displaced persons and foreigners" should be retained somewhere.

## Appendix I

### TABLE OF DELETIONS

<b>Paragraph numbers</b>	<b>Reason</b>
New OP1bis	Alternative to new OP1bis alt.
OP1bis1	Covered by OP20bis16
OP20bis2	Part deleted and part included in OP7bis3
OP20bis19	Parts deleted and part included in (part of) 31
OP21	Covered by other paragraphs in the sub-section / to the PoA
OP21 (second paragraph)	Covered by other paragraphs in the sub-section / to the PoA
OP13bis4	Covered by OP21 / to the PoA
OP8bis	Covered by OP13bis13
OP7 alt.1	Covered by OP7 (merged)
OP11	Covered by OP1bis (merged)
OP12	Covered by other paragraphs
OP12 alt.	Covered by other paragraphs
OP12bis1	Part deleted and part moved to education OP14
OP3bis	Covered by OP2bis
OP13bis3	Covered by several paragraphs in the sub-section (OP13bis, OP19bis)
OP10bis	Covered by other paragraphs in the sub-section
OP10	Parts moved to Principles and parts deleted (similarities with OP6bis)
OP9	Covered by OP9bis1
OP9bis2	Covered by OP9bis3
OP23bis	Covered by OP9bis3

## Appendix II

### TABLE OF MERGERS

Paragraph numbers in A/CONF.189/PC.3/7	Paragraph numbers in A/CONF.189/PC.2/27	Page numbers in A/CONF.189/PC.2/27
Paragraph following pp.42	OP24 and OP25	30 and 31
4	OP3, OP2 and OP2 alt.	9 and 10
8	OP17bis and OP17bis1	23 and 24
9	OP17bis4 and OP17	23 and 24
11	OP1bis9 and part of OP1bis12	8 and 9
13	OP1bis14 and OP13bis10	9 and 20
16	OP1bis8 and OP20	8 and 25
19	OP17bis3 and New 122 (from PoA)	24 and 67
22	OP7bis3 and part of OP20bis2	13 and 26
29	OP1bis17 and OP5bis4	9 and 12
31	OP20bis19 and OP20bis15	27 and 28
35	OP13bis9 and OP13bis12	20 and 21
36	OP7bis and part of OP10	13 and 16
42	OP7bis9 and OP20bis8	14 and 26
49	New 133 (from PoA) and new 135 (from PoA)	80
50	OP7bis4 and OP7bis5	13 and 14
59	OP4bis4, OP10bis8 and OP10bis9	11 and 17
68	OP13bis and OP13bis alt.	19
74	OP18 and OP18bis	24
78	OP7 and OP7alt.2	12 and 13
79	OP17bis2 and OP7bis1	13 and 24
83	OP1bis, OP10bis7 and OP7bis2	7, 13 and 17
90	OP1bis4, OP11bis, OP1bis3, and OP5bis3	7, 8, 12 and 18
94	OP24 (from PoA) and OP24bis (from PoA)	65 and 66
97	OP15, part of OP15 alt.1 and OP15bis3	22 and 23

<b>Paragraph numbers in A/CONF.189/PC.3/7</b>	<b>Paragraph numbers in A/CONF.189/PC.2/27</b>	<b>Page numbers in A/CONF.189/PC.2/27</b>
98	OP16, part of OP15 alt.1	22
100	OP12bis and OP12bis1	18
101	OP14, OP14 alt.1 and part of OP14bis2	21 and 22
102	OP14 alt.2 and OP14bis3	21 and 22
108	OP20bis6 and part of OP21bis2	26 and 29
109	OP21bis1 and part of OP21bis2	29
111	OP19bis and OP20bis3	25 and 26
113	Part of OP1bis11 and OP20bis	8 and 25
116	OP20bis14 and part of OP1bis11	8 and 27
118	OP19 and OP19 alt.	24 and 25
128	OP9 alt. and OP24	15 and 30
131	OP9bis3 and OP23bis	15 and 30

-- -- -- -- --