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الجمعية العامة



المؤتمر العالمي لمكافحة العنصرية والتمييز العنصري وكره

الأجانب وما يتصل بذلك من تعصب

اللجنة التحضيرية

الدورة الثالثة

جنيف، ٣٠ تموز/يوليه - ١٠ آب/أغسطس ٢٠٠١

البند ٥ من جدول الأعمال المؤقت

مشروع الإعلان وبرنامج العمل

مذكرة تفسيرية من الرئيس بشأن مداولات فريق ال ٢١ المتعلقة بالإعلان

تتضمن هذه الوثيقة موجزا لنتائج مناقشات فريق ال ٢١ وشرحا للمداولات المتعلقة بمشروع الإعلان. وهي توفر وسيلة لتتبع تاريخ كل فقرة من مشروع الإعلان الوارد في الوثيقة A/CONF.189/PC.2/27.

مقدمة

١ - أنشئ فريق ال ٢١ بموجب المقرر ل ت - ٣/٢ للجنة التحضيرية للمؤتمر العالمي لمكافحة العنصرية والتمييز العنصري وكره الأجانب وما يتصل بذلك من تعصب في ١ حزيران/يونيه ٢٠٠١، وكانت الولاية المسندة إليه ما يلي:

(أ) تقديم مقترحات لمواصلة عملية إعادة تنظيم النص بما في ذلك تحديد مكان الفقرات؛

(ب) تقديم مقترحات لإدماج أو توحيد الفقرات؛

(ج) تقديم مقترحات لحذف فقرات؛

(د) تقديم مقترحات لجعل النص أكثر تركيزاً وأكثر مرونة لتيسير المفاوضات.

٢ - وتمشيا مع هذه الولاية، عقد الفريق دورته الأولى في الفترة من ٥ إلى ١٥ حزيران/يونيه ٢٠٠١. ونظرا لضخامة كم العمل الذي يتعين على الفريق استكماله، قررت اللجنة التحضيرية في اجتماعها المعقود في ١٥ حزيران/يونيه، أن يواصل الفريق عمله حتى ٢٩ حزيران/يونيه ٢٠٠١.

٣ - وفي المراحل الأولى لدمج الفقرات مع عناصر مشاهمة، صادف الفريق مشاكل أولية فيما يتعلق بأساليب عمله، لا سيما فيما يتعلق بطريقة دمج الفقرات. وكانت مسألة التنفيذ العملي لولاية الفريق موضع بحث مدق. وكلما نشأت مثل هذه الحالات كان على الرئيس أن يتدخل باتخاذ قرارات، اعترض بعض الوفود على بعضها، مما أدى إلى عقد اجتماع غير عادي للمكتب في ٧ حزيران/يونيه ٢٠٠١ بغرض طمأنة الفريق وتوجيهه. ولدى البت في هذه المسائل، طمأن المكتب الرئيس فيما يتعلق بأساليب عمله وطلب من الوفود بوجه عام أن تحجم عن إعاقة إنجاز الفريق لولايته. وقرر المكتب كذلك أن وضع عبارات و/أو فقرات بين قوسين أو التوكيد عليها من جانب الفريق ليس ضروريا حيث إن من المفهوم عامة أن الوثيقة بأكملها موضوعة بين قوسين كي تقوم اللجنة التحضيرية بالتفاوض عليها في الدورة الثالثة.

٤ - وكانت الديناميات داخل الفريق في بعض الأحيان مثقلة للغاية ومستهلكة للوقت، لا سيما في المجالات التي فقد فيها بعض أعضاء الفريق قدرتهم الخلاقة على تناول الفقرات التي يوجد بشأنها عدد من البدائل، من ذلك مثلا "بحث/يشجع/يدعو/يطلب". واختار الفريق أن يترك هذه البدائل للجنة التحضيرية للبت فيها.

٥ - ولدى استعراض الوثيقة A/CONF.189/PC.2/27، حدد الفريق ٨٣ فقرة متطابقة ألغيت بعد ذلك بتوافق الآراء. وخلال عملية الدمج حذف الفريق ٢٣٢ فقرة دون إهمال أي عنصر أساسي. وفي هذه العملية استطاع

الفريق تخفيض حجم الوثيقة الأصلية بنحو ٤٠ في المائة تقريبا. وبالتالي قرر الفريق إصدار وثيقة عمل جديدة/نص نظيف، كأساس للمفاوضات في الدورة الثالثة للجنة التحضيرية. وأرفقت بهذا التقرير وثائق داعمة منفصلة (جداول) تشرح أساليب الإلغاء والدمج كي تطلع عليها الوفود.

٦- وبالرغم من الاختلافات في النهج وفي المفهوم الفعلي/التفسير العملي لولاية الفريق، فقد استطاع دمج قرابة ٩٥ في المائة من الفقرات بتوافق الآراء. وفي هذه العملية، كان هناك اتفاق عام بشأن ترتيب العناصر في الفقرات المختلفة التي نتجت عن هذا الدمج. وبعد نقاش مستفيض، وافق الفريق أيضا على ترتيب محدد للفقرات تبعا للمواضيع وحسب فئات الضحايا في كل من الإعلان وبرنامج العمل. وحافظ على الاتساق في كلتا الحالتين.

٧- ومع ذلك كانت هناك مجالات لم يتسن التوصل إلى توافق في الآراء بشأنها فيما يتعلق بدمج الفقرات الإشكالية المتبقية التي تبلغ نسبتها ٥ في المائة. وفي العادة لم يكن عدم التوافق يتعلق بالمضمون الفعلي للمسألة، ولكنه كان يتعلق إلى حد كبير بشواغل تساور بعض الوفود مفادها أن تلاعب الفريق باللغة قد يؤدي بسهولة إلى تغيير معنى أو محتوى الفقرة. وكان هناك حرص شديد من جانب بعض الوفود على عدم الخوض في مثل هذه المناقشات "الموضوعية" التي يسهل اعتبار أنها لا تتفق مع ولاية الفريق. وشملت بعض القضايا التي لم يتسن التوصل إلى توافق في الآراء بشأنها والتي اقتضى لحسمها صدور قرار من الرئيس ما يلي:

(أ) العولمة كمصدر للعنصرية؛

(ب) تحديد مكان الفقرات المتعلقة بالعولمة؛

(ج) ترتيب الفقرات المتعلقة بفئات الضحايا؛

(د) إدراج الآسيويين والسكان المنحدرين من أصل آسيوي في فقرة تشمل قائمة بفئات الضحايا؛

(هـ) تعريف التمييز العنصري وفقا للاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري وأشكال التمييز المتعددة والمتفاقمة.

٨- وقرر الفريق أيضا أن يقوم لدى وفائه بولايته بما يلي:

(أ) ترحيل الفقرات من موضوع إلى آخر تبعا لوثيقة صلة مضمون الفقرة بالموضوع؛

(ب) نقل الفقرات التي تتسم بطبيعة إعلانية من برنامج العمل إلى الإعلان، وفي بعض الحالات دمجها في الفقرات المدرجة في هذه الفئة؛

(ج) القيام لأغراض الدمج بفتح باب مناقشة بعض الفقرات التي أشار الفريق العامل المشكل في الدورة التحضيرية الثانية إلى أنها "قيد النظر"؛

٩- وقرر الفريق بتوافق الآراء، عدم النظر في دمج و/أو إلغاء فقرات ذات صلة بقضية فلسطين والأراضي المحتلة الحساسة. ورأى الفريق أن اللغة الواردة في الفقرات المتعلقة بالشرق الأوسط تبعث على الخلاف والشقاق الشديد ولن تسفر عن تحقيق أي توافق في الآراء بشأنها داخل الفريق.

١٠- وبدأ الفريق عمله بوثيقة تشمل ٦٣١ فقرة وفقرة مجمعة. وحدد الفقرات المشتركة والفقرات التي تحتوي على عبارات لغوية متطابقة ومن ثم يمكن اقتراحها للإلغاء أو الدمج. وأتاحت هذه العملية للفريق اختزال الوثيقة إلى ٤٠٠ فقرة. وفي الإعلان، ألغيت حوالي ٢٠ فقرة وأدجت ٧١ أخرى في ٣٠ فقرة. وفي خطة العمل ألغي ما يقرب من ٦٩ فقرة بسبب تماثلها مع فقرات أخرى وأدجت ١٦١ فقرة في ٦٢ فقرة.

١١- وتتعلق الشروح التالية بدراسة مشروع الإعلان. وأدرجت التعليقات على المداولات بشأن خطة العمل في إضافة إلى هذه الوثيقة (A/CONF.189/PC.3/6/Add.1).

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

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:

take effective measures to remove the effects of such manifestation 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:

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

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

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 f

the international community should remain especially vigilant during periods of armed conflict and

Paragraph 23: retained as it was (OP10bis2).

Paragraph 24: retained as it was (OP20bis16).

Paragraph 25:

P21bis3).

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
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:

the first line (OP10bis1).

Paragraph 28:

Paragraph 29: resulted from merging OP1bis17 and OP5bis4 because of similar language. But
t -

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

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:

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:

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 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

Paragraph 44: to the beginning of the

Paragraph 45: retained as it was (OP20bis17).

Paragraph 46: retained with a slight amendment. The words

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:

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:

(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 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

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 whi

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:

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

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:

Paragraph 107: retained as it was (OP21bis).

Paragraph 108: resulted from merging OP20bis6 with OP21bis2, last part, which reads
parties involved, which gives

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

proposals were considered:

(a)

dignity, respect and correction of, and compensation for, the historical wrongs and their continuing

(b) Retain

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

(c)

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 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
-seekers, refugees,

Appendix I
TABLE OF DELETIONS

Paragraph numbers	Reason
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
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