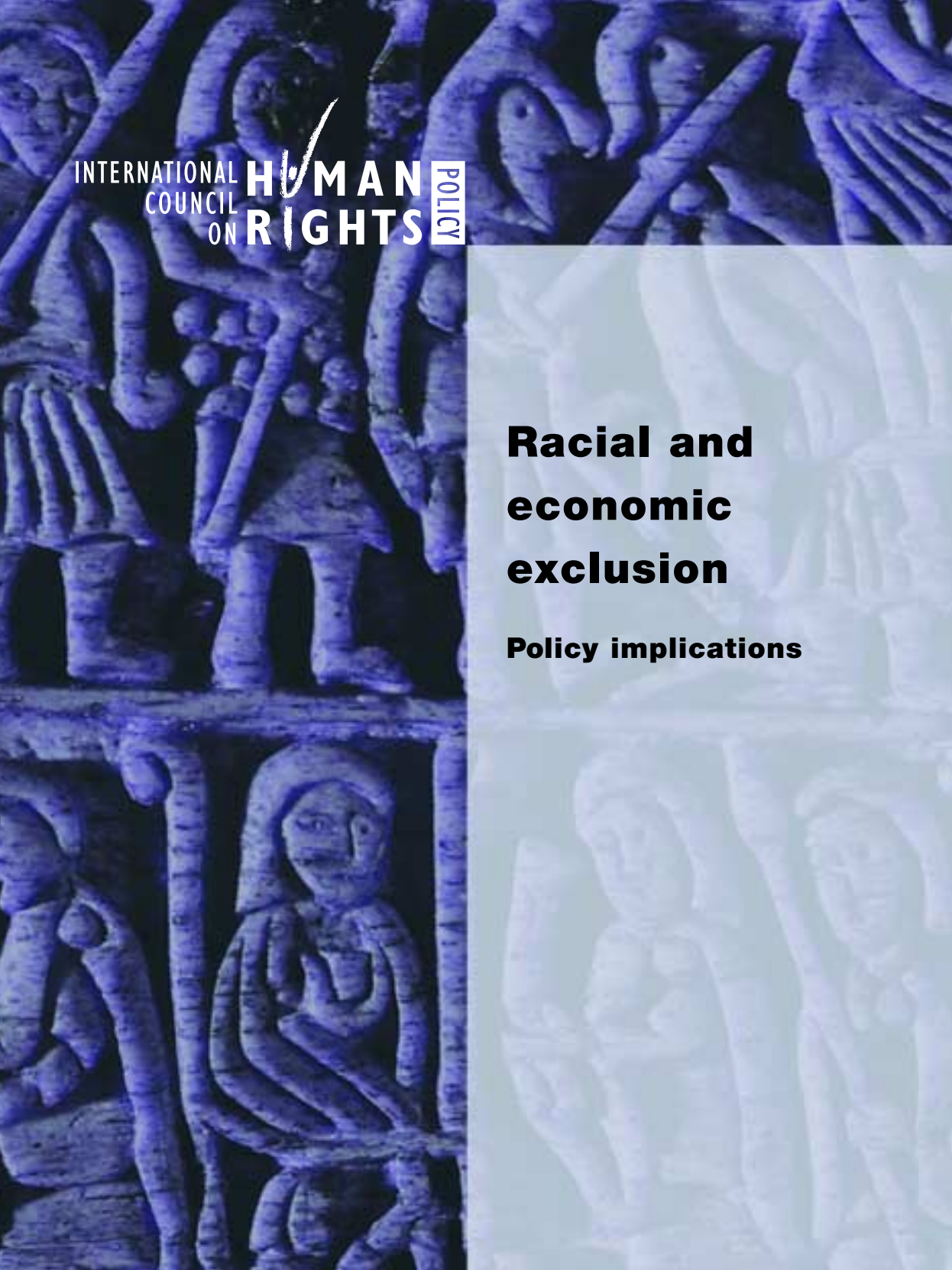

INTERNATIONAL COUNCIL ON HUMAN RIGHTS POLICY

Racial and economic exclusion

Policy implications

BACKGROUND AND ACKNOWLEDGEMENTS

This report was made possible by an international seminar on "The Economics of Racism" organised by the International Council on Human Rights Policy in co-operation with the Office of the United Nations High Commissioner for Human Rights. Convened in Geneva on January 24-25, 2001, the meeting was held as preparations were made for the United Nations World Conference against Racism, Racial Discrimination, Xenophobia and related intolerance (Durban, South Africa, August 31-September 7, 2001). For the seminar, the International Council gathered twenty-six researchers and advisers to discuss the links between racial discrimination and economic marginalisation, and identify strategies that might successfully address the problems that result. Several case studies were prepared in advance, on different parts of the world and societies at different levels of economic development. This document draws from those reports, from the meeting discussion and from other sources.

This report was prepared by **Robert Archer**, Executive Director of the International Council, and **Mohammad-Mahmoud Ould Mohamedou**, Research Director at the International Council and co-ordinator of the project.

Additional writing and editing was done by **Morris Lipson**, consultant.

Stephanie Farrior, Professor of International Law at Pennsylvania State University, and former Director of the Legal and International Organisations Programme at Amnesty International, served as Rapporteur for the meeting. She prepared a synthesis note on which this report builds.

Seven background papers were prepared as contributions to the seminar and they have been integrated in parts into this draft report. These provide information on the economic and political situation and history of the communities studied. The papers and their authors are:

"Ethnic Discrimination, Economic Inequality and Political Exclusion in Ecuador" by **Diego Iturralde**, Chief of the Research Unit of the Inter-American Institute for Human Rights in San José, Costa Rica.

"The Experience of Aboriginal Peoples in Canada" by **Marian Catherine Jacko**, lawyer with the Government of Ontario in Toronto, Canada.

"Racial Justice: The Superficial Morality of Colour-Blindness" by **Glenn C. Loury**, Director of the Institute on Race and Social Division at Boston University in Boston, United States.

"'Untouchability': The Economic Exclusion of the Dalits in India" by **Martinbhai Macwan**, Director of Navsarjan Trust, Convenor of the National Campaign for Dalit Human Rights in India, and **Smita Narula**, Senior Researcher at Human Rights Watch in New York, United States.

"The Experience of the Twa Pygmies of the Great Lakes Region" by **Benon Mugarura** and **Anicet Ndemeye**, respectively President and Vice-President of the African Indigenous and Minority People's Organisation in Kigali, Rwanda.

"United States Globalisation as the Newest Expression of Racial Subordination: International and Transnational Evidence" by **john a. powell** (sic), Director of the Institute on Race and Poverty in Minneapolis, Minnesota, United States.

"The Economics of Racism: People of African Descent in Brazil" by **Edna Maria Santos Roland**, President of the Board of Directors, Fala Preta, Black Women's Organisation in Sao Paulo, Brazil.

In addition to the individuals above, the following people took part in the international seminar:

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The meeting was chaired by **Patricia Williams**, Professor of Law at Columbia University in New York, and **Robert Archer**, Executive Director of the International Council on Human Rights Policy.

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INTRODUCTION

Those who suffer racial discrimination are not always economically disadvantaged. The experience of Indonesians of Chinese origin, of people of Indian descent in East Africa, and of many Jewish communities in Europe shows this. Nevertheless, victims of racial discrimination are also very often poor, sometimes profoundly so. Where racial discrimination and economic disadvantage become established over time, moreover, reform is extraordinarily difficult. This report argues that it requires considerable commitment and the adoption of a co-ordinated approach that simultaneously address different aspects of the discrimination concerned.

The present work arises out of a short survey of international trends in racism and racial discrimination prepared in 2000 by the International Council on Human Rights Policy.[1] It became apparent that some cases of racial discrimination are particularly entrenched and difficult to reform. This was true, for example, of discrimination against Dalits in India, Roma in Europe and Haitians in the Dominican Republic. In each case, despite differences in other respects, poverty or economic marginalisation were strongly associated with discrimination on grounds of race or descent; and this had been so for a long time.

Much of that first report concerned the problem of denial and the limits of legal action. To what extent could racial discrimination or racial stigma be removed by legal interventions and remedies? While it was obvious that legal action is essential, because the absence of good law and inadequate or abusive policing are responsible for many of the problems identified, it became evident that legal *action* alone would not reach the heart of the issue. Legal sanctions could prevent or inhibit certain behaviour but could not change people's minds – our denial of prejudice in ourselves, our accommodation to the biases of others, and our ability to transmit bigotry across generations. Attitudes and their transmission are at the heart of racism's persistence and continued power.

Accordingly, the International Council decided that it would consult to see what *combinations* of policy might have a positive effect in such cases. This is the purpose of the present report.

The report is not meant to be an exhaustive study of the issues. A large academic literature deals with the questions discussed here[2] and we do not

[1] International Council on Human Rights Policy, *The Persistence and Mutation of Racism*, Versoix, Switzerland: ICHRP, 2000.

[2] See the select bibliography at the end of the report.

list or analyse all the cases that might be relevant. The approach was to examine a small number of cases, different in character and in different parts of the world, where there is a clear historical association between economic disempowerment and racial discrimination, and to compare them in order to identify policy recommendations.

We should again stress that we are not saying here that racial discrimination and economic marginalisation always go together. They do not. The claim is rather that, when racial and economic discrimination are associated for a long period of time, disadvantage tends to become entrenched over generations and reform is particularly difficult to achieve. It is these cases we are considering, not all forms of racial and/or economic discrimination.

Several country papers were prepared as background. In each case, the authors described the nature of economic and racial discrimination in the country concerned, legal and other attempts that had been made to curb or sanction it, and evidence of success or failure. The case studies looked at the experience of African-Americans in the United States, Dalits in India, Twa ("pygmies") in the African Great Lakes Region, Roma in Hungary and other parts of Eastern Europe, indigenous populations in Canada and Ecuador, and people of African descent in Brazil.

Apart from the problem itself, these societies share little in common. Four exist in geographically large areas (India, the United States, Canada and Brazil) and three in mid-sized to small ones (Hungary, Ecuador, Great Lakes region). Some are densely populated (Great Lakes, India) while others are sparsely inhabited (Canada). The victimised communities also vary in number – from over 160 million Dalits in India to a few thousand Twa in the Great Lakes region.

Some of the societies studied are wealthy (United States, Canada); others are middle income (Brazil, Ecuador) or poor (India, Great Lakes Region). Some are characterised by severe inequalities between rich and poor (Brazil, United States, India), whereas others have well-developed social policies that aim to limit such inequalities (Canada). Some have industrialised economies where the majority (including victimised groups) live in cities (United States). Others possess large agricultural and industrial sectors and victimised communities are to be found both in the countryside and in cities (India, Brazil, Hungary). In the Great Lakes, we are dealing primarily with an agricultural society.

The political environment is no less variegated. Some of the societies studied are democracies, while others have recently experienced authoritarian or military regimes (Brazil, Great Lakes). The United States runs a classic capitalist economy, whereas Hungary had a communist government until quite recently. The legal regimes differ as well, though racial discrimination is forbidden by law in all the countries studied. The sample includes both

common law and civil law traditions, societies in which litigation is well developed (United States, Canada, India) and ones in which that is not the case, as well as societies in which traditional and modern legal systems co-exist.

Socially and historically, some of the victimised groups are "first people" or indigenous communities (Canada, Ecuador), while others are the descendants of slaves imported two to three hundred years ago (Brazil, United States), and yet others live in a caste system that is many centuries old (India). The Roma have a distinct social history in Europe that is half as ancient as India's caste system.

Clearly no simple model will accommodate such variety, or take adequate account of the distinct history and character of these cases – let alone others that could have been selected for research (in the Caribbean, in Europe, in Australia, in the Arab world or in Japan, for instance). Similarly, it would be mistaken to suggest that one policy mechanism might be successful across this range of cases. It is not the purpose of this report to promote such a model.

However, it is essential to recognise that fundamentally similar processes are at work here. In all the societies studied, racial discrimination reinforced economic marginalisation and vice versa. Members of victimised groups came to be exploited and marginalised economically and, at the same or at separate times, they came to be considered inferior.

From the perspective of dominant groups, their inferiority "justified" their exploitation and their consequent impoverishment "demonstrated" their inferiority. The two processes confirm one another. With the passing of time, moreover, the social, political and economic inequalities that result came to be entrenched. The assumption that one group was "naturally" poor because it was inferior became established intergenerationally – and differences of opportunity (access to health, education, employment, and so on) became systemic. In the absence of a countervailing force for reform, the victimised group cannot easily escape its poverty or the stigma that reinforces it, and time merely deepens the divide between the dominant and dominated group. To complicate matters further, often enough some members of the victimised group internalise (and thereby confirm by their behaviour) some of the assumptions that underpin their treatment by the dominant group.[3]

[3] This complex and sensitive issue is discussed in International Council, 2000, op. cit. Members of victimised groups may indeed have a lower attendance or success rate in schools, or may indeed commit more crime on average, or may have higher rates of family breakdown. Interpreting such trends is a delicate matter, however, and not only intellectually. Such evidence tends to reinforce stereotypes. It may also illuminate forms of despair and accommodation among members of victimised groups.

To transform such a situation, policies need to address it from a variety of angles. Authorities must not only provide legal protection for such groups, but remedy the historical legacy of poverty by providing resources – education, health care, employment – that will eventually enable members of such groups to compete with others on reasonably equal terms. This is not enough: it is also necessary to deal with attitudes and perceptions – both the presumptions of "mainstream opinion" and the perceptions of victimised groups, who may not otherwise trust any process of reform sufficiently to make it work. In this, it is crucial to acknowledge that perceptions of history deeply influence the way in which inequalities (and perceptions of inequality that enable racial discrimination and stigma to persist) are created and maintained.

It is commonplace to observe that solutions to problems are themselves likely to be complex. Nevertheless, this has consequences for decision-makers who wish in a serious way to change or transform discrimination and stigma in their societies.

Definitions

Racial discrimination. We opt for an inclusive approach and rely on the definition used by the United Nations[4]. Article 1.1. of the International Convention on the Elimination of All Forms of Racial Discrimination (1965) defines racial discrimination as "any distinction, exclusion, restriction or preference based on race, colour, 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 strength of this definition lies in its breadth. It covers distinctions based on race or colour and also distinctions based on descent (such as caste) and national or ethnic origin. It catches measures which are intended to result in inequality and measures that (with or without intent) have an unequal effect on the rights and freedoms of the individuals and groups involved.[5]

[4] There is a vast literature on the multiple meanings and different usages of the notion of race. See, among many others, Ashley Montagu, ed., *The Concept of Race*, London: The Free Press, 1964; Henry Louis Gates, ed., *"Race" – Writing and Difference*, Chicago: University of Chicago Press, 1986; James Donald and Ali Rattansi, *Race, Culture, and Difference*, Sage, 1992; and Michael Banton, *Racial Theories*, Cambridge University Press, 1999. For a short discussion of definitions, see also International Council, 2000, pp. 4-5.

[5] The definition does not cover distinctions based on gender, which are addressed by the Convention on the Elimination of All Forms of Discrimination against Women (1979), or distinctions that states make between citizens and non-citizens (Article 1.2).

Racial discrimination and stigma.[6] Discrimination occurs when individuals are unequally rewarded for identical work or services or excluded from access to opportunities for which they are equally qualified. Well-defined in law, discrimination focuses on outcomes and can be identified and sanctioned with relative precision. Stigma, by contrast, refers to perceptions and attitudes – that certain groups are inferior in one or many ways based merely on their membership in the group – which indirectly permit or promote discriminatory effects. Where dominant groups tolerate with equanimity the continued and systemic marginalisation and impoverishment of other groups and justify their lack of discomfort in terms of that group's failure to deserve equal treatment or living standards, they stigmatise the group.[7]

Poverty and economic exclusion. The poverty of poor United States citizens (however they identify themselves) can rarely be compared usefully to that of lower caste Indians or Twa. In this report, poverty and economic exclusion refer to relative differences in income and standard of living of victimised groups in a given society compared with the income of dominant groups in the same society (or the average income of people living in that society). Twas are compared to Hutus or Tutsis in Rwanda and Burundi, African-Americans compared to other North Americans, Roma compared to other Eastern Europeans and so on.

The report

We start by illustrating how economic and racial discrimination reinforce one another, and then discuss how history influences modern discrimination and behaviour. Short sections on attitudes and evidence of successful reform are followed by a final section of conclusions which incorporates some general recommendations. These have been prepared in the hope that they will be read, not as simple injunctions, but as pointers to help more detailed reflection on an area of policy where progress has been very hard to come by.

The International Council on Human Rights Policy undertook the preparation of this report, and its predecessor, in the context of the United Nations World Conference against Racism, Racial Discrimination, Xenophobia and related forms of intolerance. The World Conference ought to cause policy-makers in many countries to give sustained attention to the problems described here. If they do, it is our hope that this report be of help in their work.

6 We borrow from Professor Glenn Loury (2001) who discusses the social implication of racial inequality against the background of Charles Tilly's notion of categorical inequality (Tilly, 1998).

7 Both terms, of course, may be applied to gender as well as "race".

II. THE PROBLEM

It is important to reiterate at the outset that the cases considered here are in many ways hardly comparable. The experience of a Twa pygmy in the Great Lakes is very different from that of a Roma in Eastern Europe, or that of an African-American in the United States. Differences are evident in, among others, social relations, legal status and redress, education, perception of history and economic opportunity.

Yet there is a critical commonality underlying these differences. Members of groups that suffer racial discrimination and poverty are prevented to a significant extent from achieving their potential and as a group continue to do so, compared with others in the same society.[8] They face obstacles at various levels.

Impediments to equal treatment

A first obstacle is unequal recognition under the law. Some victimised groups do not have citizenship rights or have diminished legal rights. In Japan, people who are of Korean descent do not have full citizenship rights and are not entitled to become Japanese citizens, even when their families have lived in Japan for several generations. Long-time residents can apply for Japanese citizenship and be naturalised under the 1950 Nationality Act, but must first demonstrate "proof of assimilation".[9]

Palestinians' standard of living has worsened dramatically because of sustained and systemic discrimination against them and because of the unequal status they are accorded under Israeli occupation. Israeli authorities impose on the Palestinians living conditions (including the lack of infrastructure utilities, the confiscation of land and the demolition of civilian homes) which, among other effects, have led to increases in anaemia and infant mortality rates.[10]

In various parts of the world, unequal recognition was the rule until quite recently. In South Africa until the 1990s, people of African descent were barred from standing for political office, from voting, from marrying whom

8 Expressed differently, the claim implies that members of groups that suffer less acutely will more easily overcome social or economic disadvantages from which (as a group) they suffer. This description becomes helpful when comparing the success of different populations of migrants. All may start poor, all may suffer degrees of discrimination, but some groups will integrate socially much faster than others and some will achieve rapid economic success while others will not.

9 Human Rights Features, 2001.

10 See Ghaffar, 2001.

they wished, and were excluded from access to good education or professional jobs. In many states in the United States until the 1960s, African-Americans were denied equal access in law to, among others, public services and facilities. In the more distant past, slaves – for example, in the United States and Brazil – were denied the status of citizens.[11]

Other populations have been excluded from national legal regimes, for reasons that were not (explicitly or intentionally) ideological or discriminatory. This was the case of the Twa in the Great Lakes, the Shuar in Ecuador and the Inuits in Canada. For many years, such groups lived apart from mainstream society – separated from education and from the opportunities available to others.

Failure to enforce laws or implement equal legal status is a second level of obstacle. Some groups that suffered legal discrimination in the past are in a position to implement their rights and resist continued discrimination by legal means; but others are not. Since the civil rights movement, African-Americans in the United States have been protected (in broad terms) by anti-discrimination legislation and have been able to enforce many of those rights. A middle class has emerged and numerous African-Americans have achieved positions in society that would have been denied to their parents or grandparents.[12] By contrast, in many other societies, legal rights have been granted but have not been implemented. Laws in India that protect Dalits from discrimination are not generally applied. Consequently, the social and economic position of Dalits has been slow to change. Discrimination in employment and in access to education and other services is frequent, and Dalits who claim their legal rights (to land for example) may face violent reprisals. The law does not adequately protect or does not protect at all.

In very many societies, judicial and government institutions enforce the law abusively and often with impunity. Conscious or unconscious racism on the part of justice officials protects discriminatory practices, even though they may be forbidden in law. Corrupt or biased judges obstruct efforts to bring anti-discrimination cases. For example, abuses of Dalits that reach the stage of prosecution often go unpunished; and Afro-Brazilians cannot rely on the law to protect their rights.

The conduct of police and law enforcement organisations is especially important. In many societies – and the Dalits, again, are a prime example – these institutions fail to protect marginalised groups from attack, or fail to investigate threats or crimes against them as they should. In some societies,

[11] See Genovese, 1967, pp. 7-9.

[12] While progress has been achieved in narrowing the racial gap in the United States, disparities remain significant. See Loury, 1998 and 2000.

the police themselves are responsible for criminal violence against vulnerable and discriminated groups.[13] Violence in police custody, police harassment and disproportionate rates of arrest are common problems. Even in the United States, where victimised groups enjoy substantial formal legal protection and a reasonably good legal remedial scheme, bias at the level of enforcement is common. Racial profiling is a case in point. According to a survey conducted in March-April 2001 by *The Washington Post*, the Henry J. Kaiser Family Foundation and Harvard University, fifty-two per cent of African-American men said that they have been unfairly stopped by the police because they were black.[14]

A third level of obstacle is unequal access to services that are crucial to the long-term development of communities and individuals. Groups that suffer racial stigma may have equal status under the law, and may even be able to enforce that status. For a range of reasons, however, they may have inadequate or unequal access to schools, housing, higher education, health care and so forth. As a result, they are less skilled, less mobile, less healthy and poorer – and so are their children.

For example, Brazilians of African descent have disproportionately high rates of unemployment, illiteracy, and infant and adult mortality and low levels of income.[15] Though they are among the categories most in need of social protection, Romani communities in Eastern Europe continue to be unable in practice to access many social services, health care and housing programmes in particular.[16] Similar patterns are to be found among African-Americans, Canadian native peoples, Australian aborigines and the Twa.

A fourth type of obstacle is more informal. Especially where there is a long history of racial discrimination, social as well as economic and political relationships may be separated. Marginalised groups are excluded from social networks and thereby from access to contacts and opportunities that are available to others – recommendations for loans, information about job openings, business contacts and so on. Persistent racial disparities continue in part because of such informal social exclusion.[17]

[13] According to the Rio de Janeiro-based *Instituto de Estudos da Religião* (ISER), among those killed in 1998 by the police in Rio de Janeiro – a city roughly divided between whites and non-whites – seventy per cent were black or *pardo* (brown-skinned).

[14] See also Randall Kennedy, 1999. Kennedy notes that "[R]acial profiling constantly adds to the sense of resentment felt by blacks of every social stratum toward the law enforcement establishment. Ironically, this is a cost of racial profiling that may well hamper law enforcement."

[15] See Buckley, 2000.

[16] See Zoon and Templeton, 2001.

[17] See, for example, Tilly, 1998, pp. 7-8; and Loury, 1999.

In sum, such victimised groups suffer different degrees of disadvantage. African-Americans face relatively little formal discrimination – certainly by comparison with most of the other groups studied. Nevertheless, they remain stigmatised and in many parts of the country suffer unequal access to essential services, or because the services to which they have access are of lower quality. Like African-Americans, indigenous peoples in Canada can secure access to educational and health services (if they can afford them), but live in physical separation from mainstream society. Roma and Dalits experience high levels of discrimination and are stigmatised to a severe degree. The legal status of Twa pygmies is even less protected than that of Dalits in India. Dalits, Roma and Twa are often denied access to essential services, such as health or education facilities (even when these are available).

There is evidence here of a relationship between levels of discrimination and levels of stigma. Where discrimination is effectively curbed, stigmatisation is likely to be less, or to be less overt. To the degree that stigma is a direct effect, it suggests that legal sanctions are valuable even when they are applied imperfectly.

The crucial uniting element is economic. In the societies studied, the economic gap between dominant groups and groups subject to racial stigma has not closed, is not closing and in some cases is widening. This is so even though many legal interventions have been made to protect the rights of disadvantaged groups in some countries and in others affirmative action policies have been in operation for years. In all cases, the poverty divide and the accompanying signs of social dislocation persist or have worsened.

The poverty gap

In the United States, nearly a century and a half after the end of slavery, social life is still characterised by significant racial stratification. Substantial disparities between blacks and whites exist in wages, unemployment rates, income and wealth levels, ability test scores, incarceration and criminal victimisation rates, health and mortality statistics.

Between 1987 and 1993 in India, the percentage of Dalits living below the poverty line increased by five per cent. Half the Dalit population lived below the poverty level in 1993 as compared with thirty per cent of the general population. In the years since 1993, the poverty gap has widened even further, accompanied by the state's continued failure to allocate and distribute resources equitably.[18]

[18] See Narula and Macwan, 2001; and Human Rights Watch, 1999. These analyses highlight the fact that caste systems are essentially economic orders that allocate labour on the basis of descent.

In Brazil, consistent and dramatic disparities exist between the black and white populations in infant mortality, maternal mortality, and mortality from external causes. Infant mortality rates are sixty-two per cent for Afro-Brazilians and thirty-seven per cent for white Brazilians. Access to piped water is significantly lower for Afro-Brazilians (sixty-four per cent) than for white Brazilians (eighty-one per cent). Life expectancy figures reveal that, though females generally live longer than males, in Brazil black women die earlier than white men. Studies indicate that wage differences in Brazil rise with the level of education of black workers;[19] some researchers argue that discrimination increases with social status and income.[20]

In Ecuador, economic inequality between indigenous peoples and the rest of the population has tended to widen as the Gross National Product has grown – even though Ecuadorian indigenous groups have a relatively strong record of developing their own political and economic institutions.[21]

Other cases confirm a similar pattern. In post-apartheid South Africa the number of black households earning as much or more than the average white household has risen from less than one thousand to 1.2 million in less than a decade. However, those gains were concentrated in a black upper-middle class that benefited from the new government's affirmative action policies. Over the same period, the average annual income of the poorest forty per cent of black South Africans declined as the government's restructuring of the economy failed to create jobs for unskilled workers.[22]

In Australia, indigenous people remain similarly disadvantaged in comparison with the non-indigenous population. In the northwestern part of the country, the Yamatjis have experienced a long history of dispossession and marginalisation. Today, the unemployment rate amongst the Aboriginal population is twenty-four per cent compared with an average eight per cent for the rest of the population. Forty-eight per cent of indigenous households earn less than $500/week compared with four per cent of non-indigenous households.

The skills gap

Access to education is central to equality of opportunity but education systems tend consistently to fail victimised communities. They often perpetuate racism and discrimination, while members of historically victimised groups tend to under-achieve, transmitting inequality to the next generation.

19 *Mapa da População Negra no Mercado de Trabalho*, 1999.

20 Dillon Soares, 2000, for instance.

21 Iturralde, 2001.

22 Peter, 2000, pp. 1 and 6.

In India, a high number of Dalit children drop out of school.[23] Many do so to supplement their family's income or because they cannot pay school fees. Some leave because they lose faith in education. Dalit children are often made to sit at the back of classrooms and face physical and verbal abuse and other degrading treatment from their teachers and classmates. The literacy gap between Dalits and other Indians has remained virtually unchanged: between 1961 and 1991 it fell by only 0.39 per cent.

A government quota policy exists to ensure that Dalits have access to skilled employment. However, fifty-four per cent of quota places in the central government, and more than eighty-eight per cent of places in the public sector remain unfilled. Individuals from higher castes occupy ninety per cent of university teaching posts in the social sciences and ninety-four per cent in the sciences, while Dalits (who represent approximately twenty per cent of the Indian population) hold just 1.2 and 0.5 per cent of these posts.

In the Great Lakes region, less than 0.5 per cent of the Twa population have completed secondary school. Virtually none has a university degree. Numerous obstacles to obtaining an education exist, including fees, the cost of materials, and discriminatory treatment by teachers and other children.[24] In northwestern Australia, only seven per cent of the Aborigines have a university degree, compared with thirty per cent for the rest of the population.

Because they have fewer qualifications, members of victimised groups tend to take blue collar and unskilled jobs. In many regions, these have been particularly affected by global changes in the international economy, further depressing the relative income levels of these groups compared to others which are better educated or have better access to the modern economy.

Land

Land has a special social significance for many groups, and particularly for many indigenous peoples. For such groups, land is also an essential source of economic livelihood. In the absence of other marketable skills or an alternative economic foundation, it is a crucial economic resource. In this respect, culture and economy cannot be separated.

In Canada, government relocation of many hundreds of indigenous Canadians weakened or destroyed their economic self-sufficiency and had serious adverse health effects. The Innu, a traditional nomadic hunting and fishing people, now have one of the highest suicide rates in the world and an abnormally high level of infant mortality and alcohol-related deaths.[25] Their

[23] The rates are as follows; at the primary level: 49 per cent; at middle school level: 67 per cent; at secondary school level: 77 per cent. See Narula and Macwan, 2001.

[24] See Save the Children, 2001.

[25] Jacko, 2001.

lifestyle has been affected by a major hydroelectricity development in Labrador, and by military flying exercises. At the same time, no alternative economy has emerged. To protect Indian rights, the Canadian government protected Indian land and property while restricting the powers of indigenous political leaders to initiate and regulate business activity.[26] As a result, private investors have felt unable to cover their risk.

In Brazil, twelve years after the Brazilian Constitution recognised the right to property of *quilombos* (rural communities of people descended from African slaves), very few have been able to obtain title to land. Lack of regulation, conflicts between different governmental branches, pressures from companies and individuals interested in these lands, and lack of political will have prevented these communities from securing land rights.

In India, most Dalit victims are landless agricultural labourers. Those few who do own land fall into the category of marginal landowners. As land is the prime asset in rural areas, this lack of access to land makes Dalits particularly vulnerable economically.

Lack of statistical information

In many countries, public statistics are not available, are not precise or are not disaggregated. As a result it is impossible to assess the degree to which particular groups are subject to discriminatory practices by police and justice officials, how they make use of education and other services, participate in the economy, and whether they enjoy a higher or lower standard of living. This is of course a matter of critical importance. Without accurate information, claims cannot be verified, nor can the effectiveness or relevance of public policies to reduce discrimination and disadvantage be assessed.

Brazil's experience illustrates this point well. Brazil imported the largest number of enslaved Africans between the sixteenth and nineteenth centuries and was the last country in the Americas to abolish slavery, in 1888.[27] Subsequently, many European workers were imported into the country because it was claimed that black workers were inferior. A myth of "racial democracy" was developed subsequently to support Brazilian nationalism.[28] During most of the twentieth century, while sharp inequalities between blacks and whites were evident, Brazil's white elites were able to deny the existence of racial discrimination in the country. Indeed, in the period immediately after

[26] In Canada, the *Indian Act* gives decision-making power and fiduciary responsibility over reserve lands to the Minister of Indian Affairs in certain circumstances. There are over six hundred First Nations in Canada. The administrative burden hinders swift economic decisions and does not give indigenous leaders incentives to develop their own administrative infrastructure.

[27] Some 3.5 million, representing thirty-eight per cent of all African slaves brought to the Americas, according to some estimates. See Mattoso, 1982.

Brazil ratified the Convention for the Elimination of Racial Discrimination, information about colour and race was actually eliminated from the 1970 census.[29]

This myth of "racial democracy" was not challenged seriously until the late 1970s, when researchers began producing detailed statistics, disaggregated by race. These data illuminated the extent of discriminatory practices. One 1999 study, for example, showed that blacks were between seventeen and forty-five per cent more likely to be unemployed than whites, and that considerable and consistent disparities in income existed between black and non-black workers in select metropolitan areas. Another, in 1997, showed that thirty-two per cent of the housing occupied by Brazilians of African descent was inadequate (according to objective criteria) compared to twelve per cent of housing for whites.

Collection of sound statistics is no doubt a pre-requisite for any successful strategy to advance the rights of victimised groups. At the same time, statistics may also be used to reinforce stereotypes, and care should be taken to ensure that individual privacy is adequately protected.

[28] It included the idea that Iberian elites created a cordial and harmonious form of race relations in the country, and the idea that slavery in Brazil was relatively benevolent. It was argued that the intimate relations between masters and slaves, and the absence of legalised racial segregation after abolition, were evidence of a non-racist society. See Nascimento and Nascimento, 2000.

[29] Roland, 2001, pp. 10-11.

III. THE INFLUENCE OF HISTORY

Discrimination and poverty are associated over significant historical periods. In India, the caste system is over two thousand years old. The Roma have lived in Europe for over a thousand years and in doing so have adapted in numerous ways to different European societies while retaining a distinct way of life. Historical attitudes of Romas towards the communities that surround them, and of those communities towards Romas, evidently influence their relations. In the formerly slave-owning societies of Brazil and the United States, people of African descent have lived for two or three hundred years alongside the settler populations that are dominant. Relations between the two groups have been shaped in distinct ways by slavery and its effects. By contrast, "first" or indigenous peoples in Canada or Ecuador preceded the settlers who are now dominant in those countries. Their relations more closely resemble those of a colonial kind. (This is true at least in the sense that the original peoples can no longer claim access to land in the ways that they could.) Finally, groups like the Twa have traditionally lived alongside neighbouring peoples – who are not recent settlers – in a separate but symbiotic relationship that recently has become more competitive in relation to land and resources.

Confronting the past

All these societies are marked distinctively by their histories. Equally distinct patterns can be found elsewhere in the world. Plainly, strategies to reduce the victimisation need to take account of historical factors, their influences on attitudes, on poverty and on the legal environment. While the history of every society is particular and local, some general indicators are perhaps especially relevant to assessing the context.

One useful indicator is a tradition of resistance and reform, or its absence. Where a victimised group has struggled to end forms of oppression and won important reforms – an end to slavery, an end to apartheid, full citizenship, abolition of discriminatory legislation – its social as well as political and economic status will normally have improved. Winning reforms will also alter perceptions and attitudes within the group, both of the larger society and to its place in it.

In the United States, the civil rights movement – perhaps even more than the movement against slavery – transformed the position of African-Americans. It did so, not simply because important reforms were achieved, but because the movement demonstrated to African-Americans (and other Americans) that they could take reform into their own hands. The movement of the

landless in Brazil and the Dalit rights movement in India have a similar potential to transform the status of marginalised groups in those societies.

In any analysis, success will ultimately depend heavily on the ability of victimised communities to lead political efforts to improve their situation and take responsibility for making sure that reform is implemented in a sustainable and responsible fashion. In this context, the combat against apartheid, and the post-Holocaust struggle against anti-Semitism (especially in the United States and, to a lesser degree, in Europe) are examples of effective resistance.

The historical success of victimised groups in achieving visible and effective political representation is a second element. In the long term, victimised groups are not likely to transform their social and economic status without political representation.[30] The quality and the effectiveness of a community's political leaders and their ability to build alliances within mainstream society are crucial components of long-term progress. In Guamote, Ecuador, the indigenous organisations opposed political participation as well as participation in local markets for many years, a strategy aimed at internal strengthening. In 1992, they participated in the municipal elections and captured every seat on the town council. The new Council elected as its mayor an indigenous professional chosen by the population, established a cantonal parliament made up of the heads of the one hundred and fourteen communes, and brought together NGOs to form a local development committee. This participatory municipal structure has enabled the indigenous representatives in Guamote to prepare a long-term development plan. Public works and services are implemented by the community organisations themselves or by local co-operatives.

In other cases, however, resistance to oppression does not occur. This is true of the modern Dominican Republic, where the political authorities invented a category of "natives" (Indians), even though the indigenous population had been wiped out during the first occupation by Europeans. A political myth that allegedly paler, straight-haired Dominicans were superior to allegedly darker-skinned Haitians confused and paralysed political mobilisation in a society that had staged one of the first successful rebellions against slavery.[31] The myth of racial integration in Brazil had a similar effect.

A third indicator is the degree to which victimised groups internalise their oppression.[32] In India, many Dalits – and many lower non-Dalit castes who

[30] This is a delicate area whenever groups are a small percentage of the population, or are scattered across many electoral districts. A balance needs to be struck in such cases between respect for democratic principles and protection of the rights of victimised groups.

[31] See Equipo Onè-Respe, 1997.

[32] See International Council, 2000, pp. 20-21.

suffer discrimination which is only slightly less extreme – accept their status in accordance with Hindu belief that they have been morally guilty in a previous life. They have internalised the values of the system that oppresses them. To a degree, such fatalistic perceptions are also found among the indigenous Indian communities in Guatemala, Mexico and Peru. In the context of a very long history of economic and racial discrimination, of cross-generational expectation of second-class status and poverty, it is unsurprising to see such reactions.

Another response is the retreat into a distinct culture. The Romani experience (which takes many local forms throughout Europe) is a case in point. Such a response internalises the expectations of the wider society and brings its own risks. A self-isolating group is politically visible and therefore vulnerable; it may also fail to adapt to changes in the wider society and this can increase its economic vulnerability. Accustomed traditionally to living rather separately, dependent economically on trading with local communities, Roma in Romania, Hungary, Bulgaria and the Czech Republic were severely disrupted during the Communist period by policies that required them to live in permanent housing and work in factories. After the fall of communism, most Roma lost or left their factory employment but found their old markets were no longer viable.

In other cases, isolation was traditional and victimised groups were historically never welcomed within mainstream society. In Ecuador and in Brazil, small and little known tribes traditionally lived isolated from the rest of society. In some instances, seclusion was encouraged, for example to protect a group from disease. Historically, the Twa pygmies traded intermittently and informally with surrounding peoples in the Congo, Burundi and Rwanda, but lived an essentially separate existence which they were able to do because their occupation of forest areas was unchallenged. For communities like these, difficulties arise when isolation ends and the group chooses or is forced to engage with mainstream society. In the case of the Twa, changes in land law and the encroachment of other communities deprived them of access to land, while their isolation meant that they were less equipped educationally and financially to compete in the local economy. The result has been a worsening of discrimination and stigmatisation, while poverty and illness have sharply increased.

A final historical pattern is that individuals in some victimised groups respond to discrimination by denying their identity. Some people of Korean origin in Japan have adopted this stratagem, as have some Twa in order to keep their positions as public servants. Where it becomes widespread, this response will clearly tend to weaken political mobilisation within the community concerned. This sort of denial is sometimes used against these persons without a proper understanding of the circumstances that caused them to so

act in the first place. In practice, many who adopt such "false identities" suffer more acute discrimination if they are discovered.

Note that mainstream society does not always have the same perception of its history as the victimised groups. Perceptions of the overthrow of some colonial systems illustrate this point well. In some countries, the "official" history – the history mandated and told by the dominant group – is a narrative of the attainment of political liberty, and the achievement of independence continues to represent an important political reference point. Certainly, this appears to be true of India, Brazil, Ecuador, the United States and Canada. Yet, in India, Dalit interests were originally recognised by India's anti-colonial leaders but were subsequently subordinated to the political interests of the majority. For African-Americans in the United States, the fight for independence was by no means a fight for their independence. The Twa in the Great Lakes and the indigenous populations in Ecuador were largely untouched by the anti-colonial movement. Where mainstream and minority perceptions of history differ widely, this too has implications for the capacity of victimised groups to organise themselves politically and to be understood and heard by mainstream opinion.

Victimised groups are acutely aware of their history, which is rich in stories of suffering, separation, exclusion and injustice. Where a powerful historical tradition exists, victims can be astonishingly forbearing, as Dalit communities have been. Wherever the desire for equal or fairer treatment grows, nevertheless, dissent and repression of dissent are likely to follow, creating conditions that threaten political stability. When members of a marginalised group, such as African-American youth in urban ghettos, behave in self-destructive ways, it is important to understand the extent to which such patterns of behaviour reflect an experience of deprivation and oppression, within which those individuals function.[33] Reform should, therefore, redress resource disparities between groups, but it should also attend to the ways in which racial socialisation is constructed, in order to avoid the perpetuation into yet another generation of the legacy of racial stigma.

In many instances, the demand that historical injustices should be acknowledged publicly and officially by relevant authorities has been at the centre of political disputes in which victimised groups are involved. *An understanding of history and acknowledgement of historical wrongs are essential to any honest and accurate evaluation of the present. Policies to address the situation of victimised groups, which ignore this history will not be effective.*

[33] Loury, 2001, p. 8.

The reparations argument

As preparations began for the United Nations World Conference against Racism, the issue of reparations came to take centre stage. It was argued that just as Holocaust survivors were compensated financially by several European countries for the loss of their possessions and the extraordinarily inhuman treatment they suffered, and just as Japanese-Americans interned in World War II were paid compensation by the United States government, so descendants of Africans enslaved and resettled in Brazil, the United States and elsewhere should receive compensation for their sufferings.

The claim in favour of reparation has two elements: a demand that the crime of slavery (and its legacy of legal discrimination) be acknowledged, and a demand for material compensation to those who were enslaved.[34] It is not the place here to discuss how strong the legal case might be, or how feasible it might be to attach real sums of compensation to the many descendants of individuals enslaved two or three hundred years ago.[35] It is unlikely that the United States or European Union governments will acknowledge the responsibility of their societies for slavery, if doing so might cause them subsequently to incur open-ended financial claims for reparations to slaves' descendants. The Brazilian Parliament recently considered several bills on this subject. It concluded that, while individual compensation would be impossible to adjudicate fairly and would produce numerous anomalies of payment, the idea of creating a national endowment for the benefit of Brazilians descended from slaves was worth exploring. Such a sum might be understood as a development fund or an undifferentiated form of financial compensation.

Under any circumstances, however, there can be no doubt that financial transfers are an essential element of any forward-looking national or international strategy that will enable victimised groups to acquire the skills and assets they need to operate on equal terms in their societies.

Perceptions and capacity

Historical discrimination is responsible for the economic deficit from which victimised groups suffer today – a relative lack of capital and resources and skills which prevent such groups from developing at the same speed as the society as a whole, and which it will take considerable investment to remove.

[34] Another part of the claim to reparations is the sense of injustice that the victimised feel that the victimisers are often able, indeed allowed, to continue to benefit from the privileges of that victimisation in the past.

[35] See, notably, Gary, Hitt, Pires, Scruggs and Sweet, 2000; and Robinson, 2000.

Resources are only one aspect of the historical legacy, however. Attitudes in dominant and victimised communities have also developed over a long period. These attitudes are deeply held and may be antagonistic to changes that are essential if the victimised community is to progress.

The discrimination and economic exclusion experienced by victimised groups favour the emergence of social behaviour that confirms (or appears to justify) racial stereotypes about poverty and antisocial conduct.[36] Roma and African-Americans, and other groups, are consistently stigmatised as illiterate, criminal and sexually feckless while their collective experience of exclusion and discrimination encourages the very behaviour that is stigmatised. Statistics showing high unemployment and poverty among the discriminated group are used as evidence of the inferiority and lack of morals of that group. Yet the statistics are not false (though they are misleading) – victimised communities are indeed poorer, do have lower levels of scholastic achievement, and often do score higher than average on measures of drug use, alcoholism, and criminal behaviour. In a vicious cycle, behaviour reinforces attitudes, which in turn buttress stereotypes that are transmitted from generation to generation.

This situation is exacerbated wherever the response of government is to criminalise the group concerned. A disproportionate number of African-American men are held in United States prisons.[37] The war on drugs has been devastating to African-Americans: blacks are incarcerated on drug charges at a rate thirteen times greater than that of white men.[38] Such contrasting impact itself strengthens the stigma from which these groups suffer while further undermining the group's economic and social coherence.

In Canada, where social policies are more liberal, researchers tended to blame the victims for their predicament. Social research generated theories about the shortcomings of Native Peoples rather than knowledge about the inadequacy of the system in which they must survive.[39]

The media have a particular responsibility to avoid stereotyping. In 1997, a Yale University study found that United States news media portrayed most poor people as black whereas most people below the poverty line are white.

[36] Richard Herrnstein and Charles Murray's *The Bell Curve – Intelligence and Class Structure in American Life*, (Free Press, 1996), which relates economic success and intelligence to ethnicity, is an example of such flawed reasoning. For a response to that argument, see Bernie Devlin, 1997.

[37] One in twenty African-American men over eighteen is in jail, compared to one in one hundred and eighty of the whole population. Human Rights Watch, 2000.

[38] Human Rights Watch, 2000, p. 4-5.

[39] Saint Denis, 1989.

Magazines like *Time* and *Newsweek* showed blacks sixty-five per cent of the time to illustrate stories about poverty, though only twenty-nine per cent of poor Americans are black. The author concluded that media representations not only perpetuated stereotypes about race but also fuelled discontent among whites about the welfare system.[40]

Quite clearly, victimised communities should not be blamed for the effects of consistent historical discrimination. The important conclusion to draw is that those effects are real. Victimised communities are likely to be relatively unorganised, relatively unskilled in financial management, distrustful of (external) authority and unused to political leadership. They will not suddenly acquire relevant experience and expertise with the arrival of resources and new opportunities. In general, their leaders will not be less corrupt or more selfless than political authorities in wider society.

It is therefore essential to ensure that victimised groups are politically represented and politically visible. If change is to be sustained, the groups need to manage their institutions and their resources. It is equally essential to invest in education and skilled employment. These are not simple or short-term tasks. To achieve change, national authorities and international donors need to make significant transfers, and accompany the process to ensure that these are invested productively, over a long period.

Evidence of progress

There is encouraging evidence that progress in dealing with historical discrimination can take place, but not surprisingly it is everywhere conditional and uneven. In the United States, anti-discrimination legislation has certainly improved the position of African-Americans, and the work of legal and social organisations to defend and entrench civil liberties has been effective on many fronts. Overt discrimination and violence against African-Americans have both declined in the last forty years. An African-American middle class has emerged and there have been significant improvements in educational achievements and access to professional jobs. Today, African-Americans enjoy a more visible social and political profile in the United States.

Nevertheless, the record is uneven. Many African-Americans are disenfranchised as a result of legal regulations that disbar felons from voting. Compared with any other group of Americans, there is a conspicuous disparity in the proportion of young African-Americans who are charged with, and jailed for, misdemeanours and crimes. Though middle class African-Americans enjoy a similar quality of life to other middle class Americans, a far

[40] "Yale Study: Most Poor People in National Media Portrayed as Black", Associated Press, August 18, 1997.

higher proportion of African-Americans remain poor or very poor compared to the average, and many of their children live in social conditions that disadvantage their educational or professional prospects.

The Dalits have had nominal legal protection since 1955, but, in practice, it is only relatively recently that a Dalit rights movement has taken form. That movement is beginning to acquire influence. Local trade campaigns have been effective. Legal aid programmes have taken many cases to court, raising awareness in the community and occasionally winning cases against landlords or on behalf of Dalits who have suffered violence or discrimination. Alliances have been built as well – with groups from other castes, and more recently with international movements during preparations for the World Conference. Nevertheless, violence against Dalits continues to occur wherever they claim their rights, the political authorities in India remain unsympathetic to Dalit demands, and the judiciary and security forces, including the police, frequently fail to protect Dalits from attacks by gangs or indeed are themselves responsible for abuses or violence against Dalit activists or women.[41]

Indigenous peoples in Ecuador have demonstrated great strength of organisation, enabling them to maintain high levels of social cohesion, defend their languages and traditional forms of authority, culture and tradition, and to manage effective relations with national organisations. Their status within the state administrative structure has improved over recent years, culminating in the establishment of a set of indigenous territorial subdivisions under the 1998 Constitution.[42] By arrangement with the ministry of education, the Shuar community is now responsible for its region's schools. It operates several developmental and health projects, and has a small air transportation service. Flexible arrangements have been reached with the armed forces in respect of compulsory military service; young Shuar people may carry out such service without leaving their own territory and are not forced to adopt military practices they see as a threat to their identity and tradition. Successful implementation of projects has attracted direct investment from national and international sources[43] and Shuar have successfully competed for local government posts (elected and appointed). In addition, they have

[41] Human Rights Watch, 1999.

[42] This process dates back to 1930, when industrial action taken by peasants and people on state-owned ranches provided a model for agrarian trade unionism. That gave rise to the 1937 Communes Act, the legal basis for a movement which struggled for agrarian reform in the 1960s and 1970s and then became strong enough to found the indigenous organisations in operation today.

[43] The InterAmerican Development Bank invested half a million dollars in small projects run by the Shuar Federation.

generally increased their political influence with governmental bodies and political parties and in the national indigenous movement.[44]

These examples suggest that change can be engineered with some success where

- the wider political environment is tolerant of, or supports reform,
- the victimised group has some political or economic leverage, and
- it has well-organised and well-led political and economic institutions.

[44] See Iturralde, 2001.

IV. CONSEQUENCES FOR POLICY

The problem discussed here is essentially a simple one, though it occurs in widely different societies and its expression takes many forms. It is not difficult to see that links exist between racial discrimination and economic exclusion, even if the severity of discrimination (both in past times and today) has varied greatly from case to case. Though easy to recognise, however, the problem is difficult to attack. It has deep historical roots, economic interests are at stake, and attitudes (on both sides of the discrimination) are entrenched and self-reinforcing.

Change will be slow. Planners should make arrangements for sustained intervention over a long period. Reform will be expensive. Sustained transfers of resources are an essential component of any serious reform programme in relation to entrenched discrimination.

Remedial policies must therefore attack the problem from different angles and in complementary ways. Single interventions will fail. Given the nature of the case, an effective approach must address, at a minimum:

- legal rights,
- political representation,
- economic resources,
- provision of key services such as education, and
- attitudes and perceptions.

General

Public authorities should *name and condemn discrimination* where they find it, and they should be vigilant in seeking it out. Silence and denial simply perpetuate it and protect the interests of those who discriminate. By contrast, official and formal acknowledgement of discriminatory practices lends legitimacy to the claims of those who are victims, and makes it simpler, and safer, for ordinary citizens to condemn such practices. Today, in the United States, discussion of discrimination against African-Americans has become open. This is not the case everywhere. For example, the authorities in India are in denial that there is discrimination against Dalits.

Introduce no new policy that will make the situation worse.

Take account of history. Public authorities should acknowledge historical wrongs and their effects. This is probably an essential component of any strategy to change public attitudes, both in mainstream society and within the victimised group in question. Without an understanding of historical

background, moreover, policies to address modern problems are less likely to succeed.

Contextualise reforms. The forms that racial and economic discrimination take are influenced by a country's history, culture and institutions. In designing any strategy, it is essential to take the local context into account.

Strategies are needed both to deter and to remedy.

Legal action and enforcement

National legislation banning discrimination on grounds of race is essential. If historically oppressed groups are not recognised and protected in law, they cannot advance and protect their rights.

While legislation is of vital importance in protecting against racial discrimination, to become effective, laws must be enforced and must be supported by complementary action in other areas. Legal prohibition of discrimination, alone, will not remove racial bias in a society.

Enact legislation against discrimination. Measures should prohibit discrimination by public authorities and institutions as well as private individuals and entities. Legislation should also set out procedures in the law for pursuing and enforcing a remedy in the case of discrimination.

Review existing laws and policies. Governments should review existing laws and policies for discriminatory effects, and should repeal or amend legislation where it is appropriate.

Include effective remedies in anti-discrimination laws. Remedies and recourse procedures should be affordable, understandable and rapid. Penalties for discrimination should be substantial. In the first instance, governments should aggressively prosecute criminal and civil actions against discriminators.

Ensure official institutions', including police and law enforcement services, respect. Police and law enforcement officials should be held personally accountable in law for acts of discrimination. Public institutions should also be made accountable in law for acts by their representatives that are discriminatory in intent or in effect.

Educate against discrimination in the justice system. Authorities should take steps to provide human rights and antidiscrimination training for judges, prosecutors, police officers and other officials in the justice system.

Compile accurate statistics. Governments should ensure that official statistics make it possible to track discrimination in the economy, in incomes, in education and health and other relevant areas, participation in public institutions, and to monitor progress in reducing discrimination over time.

Where necessary, statistical services should be created or strengthened. Statistics should be appropriately disaggregated by race, descent, gender and age and should be published regularly.

Strengthen monitoring. Governments should strengthen independent monitoring of official institutions, for example by national human rights institutions and ombuds offices.

Adopt temporary remedial measures. Governments should create temporary remedial measures, sometimes called affirmative action, as outlined in Art. 1(4) of the International Convention on the Elimination of All Forms of Racial Discrimination, in order to create conditions in which historically disadvantaged communities can enjoy the same opportunities as others. These measures should focus on outcomes. They should not appear to condescend to oppressed groups or appear to be discriminatory.

Political representation and recognition

Victimised groups will not make progress if they have no political leverage. The participation of victimised groups in decisions that concern them, and bodies that are relevant to them, should be encouraged.

Communities that suffer racial and economic discrimination are often politically invisible. It is essential to make sure that such groups are politically represented within public institutions, and that representatives of such groups are accountable to their communities, empowered to represent them and competent to communicate their interests effectively.

Ensure representation in public institutions including national government and parliaments, local governments, the judiciary and police, national human rights institutions and official anti-discrimination bodies, and the media.

Monitor such representation. The presence of historically marginalised groups in public institutions should be monitored and reported publicly. Bodies that monitor discrimination, including national human rights institutions, should take the lead in this matter.

Increase participation. The democratic participation of victimised groups in decisions that concern them should be encouraged. Efforts should be made to ensure that members of such communities are registered to vote and can participate actively in elections, and more broadly in decisions that concern them.

Accompany reform. Communities will need to be supported during the process of reform. Providing resources without strengthening capacity is a recipe for disillusion and failure – as would any attempt to reform that is not supported and eventually led by the community concerned.

Require "impact assessment". Authorities often fail to consider the impact of decisions on historically marginalised groups. Authorities should consider the impact of any proposed legal, social, or economic programme on such communities before implementing them. Communities should be consulted actively about decisions that affect them. No programme should worsen the position of such groups.

Finance and transfers of resources

The international community, including international donor agencies, should give specific attention to the economic and developmental needs of discriminated groups. National governments and donor agencies should also recognise the particular needs of these groups, and that long term programmes involving considerable investment will be required to overcome the effects of persistent historical discrimination associated with economic exclusion.

International political figures, including the United Nations Secretary General and the United Nations High Commissioner for Human Rights, should acknowledge the specific character of the discrimination which these groups suffer and highlight the need for action by national governments and international organisations to remedy its consequences.

Recognise the responsibility of international financial institutions. International financial institutions, such as the World Bank and the International Monetary Fund, should ensure that their programmes and policies and their decisions affecting particular countries do not exacerbate or reinforce patterns of racial or ethnic inequality. In addition, in setting benchmarks and objectives, such institutions should take account of the standards set by the United Nations Committee on the Elimination of Ethnic and Racial Discrimination.

Recognise the specificity of the problem. Governments and financial organisations should recognise that poverty and economic marginalisation have specific characteristics among a group that has been victimised for a long period of time. They should develop distinct programmes to address the problem.

Economic reform strategies should generate a sustainable and real economic environment for the groups concerned, and should involve access to land, markets, capital, technology, education and information technology. Where groups are integrated in the mainstream economy, the objective should be to enable members of the group to compete on equal terms. A welfare-based economy or one permanently dependent on subsidy is not an acceptable outcome.

Recognise the need to invest over a long period of time. Historically entrenched discrimination will not be overcome without the investment of considerable resources over a long period of time. These resources should be made available. Where governments cannot meet all the costs themselves, the international community should contribute in accordance with Article 2(1) of the International Covenant on Economic, Social and Cultural Rights.[45]

Provision of services

Invest in education. Education is a vital instrument. It can transform attitudes, and it is the foundation of skills. Education of children and adults is essential to breaking the cycle of inequality. It is also an essential component of economic reform strategies. In some countries, literacy training, especially for women, is important. Governments should provide schooling and should act to ensure that all schools are competitive in terms of quality.

Eliminate discrimination and racism in the education system. In too many countries, the education system reproduces racial inequalities and racist stereotypes. Governments and schools should develop programmes, including the introduction of teacher training materials, to ensure that teachers do not discriminate, intentionally or unintentionally, and are accountable when they do. Student intakes and teaching appointments should be monitored at every level from primary to postgraduate level. Textbooks should be reviewed to eliminate discriminatory content. Schools should act to protect children against racial bullying.

Invest in health. Victimised communities suffer high rates of child mortality, early mortality and illness. Investment in health is crucial to improving their quality of life. Programmes need to address nutrition, sanitation, water supply and quality, and environmental hazards. In some communities, childcare programmes are necessary. Qualified medical personnel and high quality health programmes should be situated in the geographical areas where victimised groups live and work.

Improve housing. Poor housing is frequently a major issue in victimised communities. Where necessary, governments should introduce programmes to improve housing. They should enforce legislation to prevent discrimination in access to housing.

[45] The nature of states parties' obligations has been examined in some detail in General Comments No. 3 and No. 11 of the United Nations Committee on Economic, Social and Cultural Rights. These General Comments have important implications in that they argue that the principle of non-discrimination overrules the concept of progressive realisation of economic, social and cultural rights. In other words, the obligation against discrimination is subject neither to progressive realisation nor the availability of resources.

Provide access to land. Especially for indigenous people, land is a cultural and an economic resource. Governments should take steps to ensure that indigenous communities, and other groups that rely on land for their subsistence, have access to land and can make use of its resources no less freely than other users. Governments should assist victimised groups to register legal claims to land they occupy, and should enforce laws that protect them from illegal dispossession.

Attitudes and perceptions

Governments and public institutions should adopt public education programmes designed to change racist and discriminatory attitudes in their societies

Institute public education programmes. Public education is an important complement to legal sanctions. Both play a role in transforming the prejudice that underlies racial discrimination. Programmes should be undertaken in at least the four areas recommended in Article 7 of the International Convention on the Elimination of All Forms of Discrimination: education, teaching, culture and information/media.

Encourage public figures to speak out. Politicians, media figures, religious and business leaders can influence public opinion by acknowledging the experience of victimised groups, naming and condemning discrimination, and promoting programmes that seek to remedy it.

Encourage the media to be responsive. The media should be challenged to provide better information about historically excluded groups, and should avoid distorted coverage. Governments should support the strengthening of community-based media that give voice to members of discriminated communities.

The United Nations. Following up the World Conference against Racism, the United Nations should acknowledge the specific character of and the process underlying the entrenched victimisation detailed in this study, and should acknowledge the need for specific actions and policies contextually designed to remedy this victimisation.

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Change will be difficult to achieve wherever a racially and economically victimised group is very small or is not able to have political or economic influence, and where stigma combines with economic interest to encourage local authorities to repress rather than reform. It is difficult to see what leverage the Twa might have in the Great Lakes Region, or the Roma in Eastern Europe — unless they win international attention. International involvement in such cases is therefore especially important.

In all societies, however, racial discrimination that entrenches people in poverty damages relations in the society as a whole. Even though examples of partial success can be found, it remains the case that change is slow to come, and deeply embedded attitudes are persistent. This said, coherent and focused attention can make a difference. Such attention must be given to cases of the sort discussed in this report because they are among the most resistant forms of racial discrimination that exist. If progress can be made here, it can be made everywhere.

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