

## ***#IfNotNowWhen?***

***- Civil Society Organizations and Professors Across the World Call on the United Nations to Eliminate All Forms of Racial Discrimination Among as well as Within Countries and Usher a New Era of Sustainability***

**Letter to the United Nations (UN) Secretary-General, António Guterres, to be shared with the 75<sup>th</sup> Session of the General Assembly, the Security Council, the Economic and Social Council, the 46<sup>th</sup> Regular Session of the Human Rights Council, the Office of the High Commissioner for Human Rights, the Office of Intergovernmental Support and Coordination for Sustainable Development, the UN Conference on Trade and Development, the Open-ended Intergovernmental Working Group on Transnational Corporations as well as the Chief Executives Board for Coordination**

In recognition of the recent massive global protests against racism following the killing of George Floyd and during these extraordinary times of an ongoing pandemic, with escalating socio-economic inequalities within and among countries, our current climate emergency with mounting environmental challenges on the horizon, the urgent need to affirm our common humanity as well as for international cooperation towards social, economic and environmental sustainability;

We, the (x-amount) undersigned civil society organizations and (x-amount) professors around the world, call on the UN and its Member States to carefully consider the contents of this letter towards eliminating all forms of racial discrimination among as well as within countries, at the UN, the Bretton Woods institutions of the World Bank and the International Monetary Fund (IMF) as well as the World Trade Organization (WTO).

At this 75<sup>th</sup> Anniversary of the UN and its General Assembly, recalling the principles enshrined in the first and second article of the *Universal Declaration of Human Rights* (1948), we highlight that no society can lay claim to be just or fair without embodying a regard for *the inherent dignity of the human person* and *non-discrimination* on the grounds of race, color, gender, national or social origin or other status.

Reminding Members of the UN that international orders as well as domestic social orders have a profound impact on the enjoyment of human rights, and that Article 28 of the Universal Declaration clearly states that, “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.”

Acknowledging that humanity still has a long way to go to create social and international orders that firmly and consistently are based on the basic universal human rights principles of promoting human dignity and non-discrimination, we urge the international community to commit to these principles as its guiding light towards creating social and international orders that are democratic, equitable, fair, just and sustainable.

Specifically and as a matter of urgency, we the undersigned, call on the UN, firstly, to *end racism in the international institutions of global governance*, including the UN, World Bank, IMF and WTO, by making them resolutely democratic and ending staff discrimination on the basis of race, ethnicity and national origin; secondly, to *end racism among as well as within countries*, including in the global economy and the unequal enjoyment of human dignity and rights among peoples.

Towards these ends, we are asking the UN to *mainstream racial equality and address systemic racism in the implementation of the sustainable development goals* and to adopt three new treaties and review mechanisms for:

1. *Democratic, equitable and non-discriminatory governance and staffing of the UN, World Bank, IMF and WTO;*
2. *An equitable and non-discriminatory international economic order;*
3. *The elimination of all forms of racial discrimination among as well as within countries.*

While recognizing that equality within and among countries are among the Sustainable Development Goals (SDGs) and that with these goals the international community affirms the need for increased international cooperation, multilateralism and an ethic of global citizenship and shared responsibility to achieve sustainable development.

We note that there remains a glaring lack of universal human rights protection and promotion at the international level between and across states.

While we welcome the spirit and content of Secretary-General Guterres' address at the 18<sup>th</sup> Nelson Mandela Annual Lecture on July 18, 2020, as he correctly points out that colonialism is, next to gender, a primary historical source of inequality in our world; that it "created vast inequality within and among countries" and that while "a wave of decolonization swept the world" the "legacy of colonialism still reverberates;" and that the "nations that came out on top more than seven decades ago have refused to contemplate the reforms needed to change power relations in international institutions," the "voting rights in the United Nations Security Council and the boards of the Bretton Woods system" being a case in point.

We emphasize the Secretary-General's statement that, "Inequality starts at the top: in global institutions" and that, "Addressing inequality must start by reforming them."

We affirm that the world needs another wave of decolonization that completes the process of affirming the principles of the *UN Charter* (1945) of equal rights and self-determination of peoples, sovereign equality of all States as well as justice between States.

It has never been more urgent to establish an international order that is equitable, democratic and just.

Hereby, we call on countries of the Global North and South to resolutely work together to end systemic racism among as well as within countries, including current legacies and continuations of historical injustices, and to repair our common humanity and natural world.

If not now, when?

## **I. Mainstream racial equality and address systemic racism in the implementation of the sustainable development goals.**

Recognizing that with the adoption of the 2030 Sustainable Development Goals, UN Member States pledge to "leave no one behind" and "reach the furthest behind first" towards social, economic and environmentally sustainable development for all of humanity.<sup>1</sup>

Affirming that this must include Africans and people of African descent, indigenous peoples and other disenfranchised, marginalized and discriminated against peoples.

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<sup>1</sup> *Transforming Our World: The 2030 Agenda for Sustainable Development*, <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf> (accessed October 14, 2020)

While we welcome the current SDGs – including, SDG 10 towards equality within and among countries – we are deeply concerned that they do little to address systemic racial discrimination and racial inequities within and among countries.

We note that race merely is included in two of the SDGs. And although SDG 10.2 aims to “empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status,” race is not included in its indicator nor anywhere else on the list of global indicators to monitor progress on the implementation of the SDGs.<sup>2</sup>

Although the SDGs is meant to leave no one behind, reach the furthest behind first and the UN Agenda 2030 highlights African countries and also the African Union Agenda 2056, which is deemed integral to the SDGs and includes the African diaspora – people of African descent, who are among the most discriminated against across the Americas, Europe and elsewhere, are not mentioned once in any of the SDGs.

Indigenous peoples are merely mentioned in two SDGs – 2.3 regarding increasing their agricultural income and 4.5 regarding parity in access to education – whereas key indigenous rights to self-determination, land and cultural integrity are not mentioned at all.

Furthermore, such a key issue for breaking with a colonial international order as promoting the self-determination and sovereignty of peoples over their natural resources – as reflected in numerous General Assembly and Human Rights Council resolutions towards a new international economic order and a democratic and equitable international order and backed by the *International Covenant on Economic, Social and Cultural Rights* (1966) as well as the *Declaration on the Right to Development* (1986) – are not mentioned in any of the SDGs.

Similarly, although SDG 8.8 is on protecting labor rights and promoting safe and secure working environments, its indicator 8.8.2 puts all the onus on national compliance with labor rights, while not including responsibilities of corporations to respect labor rights nor any possible obligations of States to ensure that the transnational activities and supply-chains of their corporations are in compliance with labor rights.<sup>3</sup>

Overall, the colonial roots of much of the racial discrimination and inequities in the world as well as their institutional embeddedness in the makeup of nation-states, international relations and the distribution of resource-extraction, labor rights, production, consumption and profit in the global economy are not addressed by the SDGs.

In view of this, we urge the UN *to mainstream racial equality and address systemic racism in the implementation of the SDGs.*

The UN must ensure that in implementing the sustainable development goals, States include, monitor and follow-up on parity of racial and ethnic groups and develop special measures to protect and promote racial and ethnic parity in the enjoyment of human rights in accordance with the *International Convention*

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<sup>2</sup> *SDG Indicators: Global indicator framework for the Sustainable Development Goals and targets of the 2030 Agenda for Sustainable Development*, <https://unstats.un.org/sdgs/indicators/indicators-list/> (accessed October 14, 2020). Cf. I.T. Winkler and M.L. Satterthwaite.2017. “Leaving No One Behind: Persistent Inequalities in the SDGs.” *The International Journal of Human Rights*, 21(8): 1073-1097.

<sup>3</sup> *SDG Indicators*, [https://unstats.un.org/sdgs/indicators/Global%20Indicator%20Framework%20after%202020%20review\\_Eng.pdf](https://unstats.un.org/sdgs/indicators/Global%20Indicator%20Framework%20after%202020%20review_Eng.pdf), p. 9 (accessed October 14, 2020).

*on the Elimination of All Forms of Racial Discrimination (ICERD) (1965) and the Durban Declaration and Programme of Action (DDPA) (2001).*

Such mainstreaming of racial equity should include the collection of disaggregated data on the basis of race, ethnicity and other relevant grounds – including data on the status of groups that are especially subject to racial discrimination, such as indigenous peoples, people of African descent and refugees. To enable such data collection, the UN should provide Member States with an array of methods and tools, including situation-testing and randomized life surveys.

Such mainstreaming should also be based on an understanding that States need to comply with the systemic/structural view on racial discrimination of the ICERD and DDPA and are obligated to organize society, its institutions and international relations in such a way that racial discrimination is eliminated.

If not now, when?

## **II. Adopt a new treaty and review mechanism for democratic, equitable and non-discriminatory governance and staffing at the UN, World Bank, IMF and WTO.**

While recognizing that the UN already has decided each year for at least the past two decades to reform it and other institutions of global governance to become more democratic and equitable, but that that these decisions have not been implemented and that so far in practice nothing has changed.

We note that this mostly is due to an unwillingness by countries of the Global North to abide by the democratic will of the General Assembly and the Human Rights Council and to give up their domination.

This tyranny and mockery of democracy must end.

Recalling that each year since 2000 resolutions calling for a democratic and equitable international order have been passed with overwhelming majority by so-called developing countries of the Global South, but have never been implemented because of the opposition of the so-called developed countries of the Global North.

Acknowledging that this democratic deficit of the UN is part of the problem.

Recalling, moreover, that last year both the 74<sup>th</sup> Session of the General Assembly (with 128 votes in favor and only 53 against, including all Global North/”developed” countries<sup>4</sup>) and the 45<sup>th</sup> Regular Session of the Human Rights Council (with 25 votes in favor and 14 against<sup>5</sup>), passed resolutions for the promotion of a democratic and equitable international order, urging,

all actors on the international scene to build an international order based on inclusion, social justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

While affirming, in the first two articles, that everyone is entitled to a democratic and equitable international order that fosters the full realization of human rights for all, towards,

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<sup>4</sup> United Nations General Assembly, Voting summary for Resolution A/RES/74/150 adopted on December 18, 2019, <https://digitallibrary.un.org/record/3840124?ln=en> (accessed October 14, 2020).

<sup>5</sup> United Nations Human Rights Council, *Promotion of a democratic and equitable international order: resolution adopted by the Human Rights Council on 26 September 2019 (A/HRC/RES/42/8)*, <https://digitallibrary.un.org/record/3837128?ln=en> (accessed October 14, 2020).

The promotion and consolidation of transparent, democratic, just and accountable international institutions in all areas of cooperation, in particular through the implementation of the principle of full and equal participation in their respective decision-making mechanisms;

While also reaffirming,

the need to continue working urgently for the establishment of a new international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems, which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries and ensure steadily accelerating economic and social development and peace and justice for present and future generations.<sup>6</sup>

We deplore the manner in which countries of the Global North are holding countries of the Global South hostage at the UN by refusing to abide by its democratic will.

While noting that the racially stratified world order that was established by centuries of colonialism also is reflected in the governance structure of the World Bank and IMF.

Recalling that the governance systems of the World Bank and IMF are skewed towards the domination of the US, Europe and other countries of the Global North and the subordination of countries of the Global South, African countries in particular.

Remembering that the largest vote holders at the World Bank are the G7 countries, the US, Canada, France, Germany, Italy and Japan. Furthermore, that while middle- and low-income countries are approximately 85% of the world's population, at the World Bank they have approximately 40% of the vote.<sup>7</sup>

The systemic confinement of Africans, people of African descent and other people of color – i.e. the Global Majority – to second-class global citizens is demonstrated in African countries' gross underrepresentation on the World Bank Board. Whereas the majority of World Bank programs are in Africa and African countries account for more than 25% of the member countries of the World Bank, they are allotted a paltry 5.5% of the voting rights.<sup>8</sup>

The UN, the Bretton Woods institutions and the WTO continue to be bastions of colonial domination, the suppression of fair, open elections, equitable voting and the rule of law.

Noting too that in addition to promulgating centuries of colonialism in its governance structures, UN and World Bank staff are suffering from institutional racism.<sup>9</sup>

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<sup>6</sup> United Nations General Assembly, *Promotion of a democratic and equitable international order: resolution adopted by the General Assembly on December 18, 2019* (A/RES/74/150), <https://digitallibrary.un.org/record/3848626?ln=en> (accessed October 14, 2020); United Nations Human Rights Council, *Promotion of a democratic and equitable international order: resolution adopted by the Human Rights Council on 26 September 2019* (A/HRC/RES/42/8), <https://digitallibrary.un.org/record/3837128?ln=en> (accessed October 14, 2020).

<sup>7</sup> Cf. e.g. Jason Hickel, "Apartheid in the Global Governance System." Jasonhickel.org, <https://www.jasonhickel.org/blog/2019/10/16/apartheid-in-the-global-governance-system> (accessed October 14, 2020).

<sup>8</sup> World Bank, "Allocation of Votes by Organization." <https://www.worldbank.org/en/about/leadership/votingpowers>, Website accessed August 8, 2020.

<sup>9</sup> <http://www.ipsnews.net/2020/08/staff-surveys-reveal-widespread-racism-united-nations/>. Considering furthermore that since 1979, 17 World Bank reports have documented that racism in the institution is "systemic" (Egan, Mary Lou et al. 'Enhancing Inclusion at the World Bank Group: Diagnosis & Solutions.' December 2003. World Bank Group. 21 August 2008). A 2015 report by the World Bank found that the Bank's race relations is one to two degrees removed from apartheid. On a graduating scale of 1 to 6 — where 1 represents an apartheid like system and 6 signifies racial equality —

In view of this, we call on the UN to *adopt a new treaty and independent review mechanism towards democratic, equitable and non-discriminatory governance and staffing at the UN, World Bank, IMF and WTO.*

While affirming that this is in line with the SDGs, including SDG 16.8, “Broaden and strengthen the participation of developing countries in the institutions of global governance,” and 10.6, “Ensure enhanced representation and voice for developing countries in decision-making in global international economic and financial institutions in order to deliver more effective, credible, accountable and legitimate institutions.”<sup>10</sup>

This treaty and review mechanism should be established to protect and promote principles of equity, non-discrimination, self-determination, sovereignty, justice and human rights in representation, decision-making, management, staffing and programming. Including, addressing the domination of countries of the Global North – so-called “developed countries” – in the institutions of global governance.

Future leaders of the World Bank and IMF should be democratically elected based on democratic and equitable selections of candidates. The voting rights allocations of the two institutions should be restructured taking into consideration two factors: equal voice amongst nations of the Global South and North and equitable distribution by regions.

The treaty and independent review mechanism for the UN, World Bank, IMF and WTO should also address the perpetuation of the domination of countries of the Global North and the subordination of countries of the Global South in these organizations. Including, legacies of colonialism and racism.

The independent review mechanism should periodically oversee the compliance of these institutions and their Member States to the treaty – similarly to the review mechanisms for the universal human rights treaties.

To address the rampant institutional racism within organizations such as the UN and World Bank, their Administrative Tribunals should be abolished and racial discrimination litigants and whistleblowers given access to external and independent arbitration.

If not now, when?

### **III. Adopt a new treaty and review mechanism towards an equitable and non-discriminatory international economic order**

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the official report found the World Bank “hovering between 2 and 3.” The report further revealed that Black staff members consider the World Bank “apartheid like” where Blacks are kept at the bottom of the pile. (World Bank, “A Strategic Review of Current Diversity, Inclusion, and Racial Relations Issues Related to the World Bank Group Workforce” (May 2015).

<sup>10</sup> Also, from the Declaration of the 2030 Agenda: “We acknowledge the importance for international financial institutions to support, in line with their mandates, the policy space of each country, in particular developing countries. We recommit to broadening and strengthening the voice and participation of developing countries—including African countries, least developed countries, landlocked developing countries, small island developing States and middle-income countries—in international economic decision-making, norm-setting and global economic governance.” United Nations, *Transforming Our World: The 2030 Agenda for Sustainable Development*. <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf> (accessed August 16, 2020).

While acknowledging that much of today's global economy is premised on exploiting natural and human resources primarily in countries of the Global South in ways that are undermining life on earth, making it inhospitable to future generations and reproducing global hierarchies of dignity and rights.

Moreover, that today's global economy is historically rooted in similar exploitative relationships during the nearly half a millennia long era of European colonialism.

Affirming that, in 1974, the General Assembly adopted a *Declaration on the Establishment of a New International Economic Order*,<sup>11</sup> which in its first article declares that the “greatest and most significant achievement during the last decades has been the independence from colonial and alien domination,” along with a *Programme of Action on the Establishment of a New International Economic Order*,<sup>12</sup> which in its first article asserts that all efforts should be made to “put an end to all forms of foreign occupation, racial discrimination, apartheid, colonial, neocolonial and alien domination and exploitation through the exercise of permanent sovereignty over natural resources.”

Noting that each year since 1974 resolutions calling for a decolonized global economy and a new international economic order have been passed with overwhelming majority by countries of the Global South in the General Assembly and more recently also in the Human Rights Council, but have never been implemented because of the opposition of Global North countries.

Recognizing that to shift the current course of development towards a new era of sustainability that replenishes rather than usurps life, affirms our symbiotic relationship to nature and the inherent dignity of all peoples and individuals without discrimination, it is critical that the international community resolutely abandons the philosophy that nature and people may be abused for our own material consumption and profit.

Recognizing, moreover, that an equitable international regulation of the global economy is critical to creating social and international orders of human dignity, non-discrimination and sustainability.

In view of this, we call on the UN to *adopt a new treaty and review mechanism towards an equitable and non-discriminatory international economic order*.

This treaty could either be an expansion of the current draft *Legally Binding Instrument to Regulate, in International Human Rights Law, the Activities of Transnational Corporations* by the Open-ended Intergovernmental Working Group on Transnational Corporations and other Business Enterprises with Respect to Human Rights (OEIGWG) or a complementary treaty.<sup>13</sup>

This treaty should include the responsibilities of States and their larger transnational corporations to ensure that labor rights and the sustainable use of natural resources are respected in every part of their production and supply chains.

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<sup>11</sup> United Nations General Assembly, *Declaration on the Establishment of a New International Economic Order* (1974), <https://digitallibrary.un.org/record/218450?ln=en> (accessed October 14, 2020).

<sup>12</sup> United Nations General Assembly, *Programme of Action on the Establishment of a New International Economic Order* (1974), <https://digitallibrary.un.org/record/218451?ln=en> (accessed October 14, 2020)

<sup>13</sup> See draft treaty, *Legally Binding Instrument to Regulate, in International Human Rights Law, the Activities of Transnational Corporations*, [https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/OEIGWG\\_RevisedDraft\\_LBI.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/OEIGWG_RevisedDraft_LBI.pdf). For the mandate of the Intergovernmental Working Group on Transnational Corporations and Other Business Enterprises with Respect to Human Rights (OEIGWG), see <https://www.ohchr.org/EN/HRBodies/HRC/WGTransCorp/Pages/IGWGOnTNC.aspx> (accessed October 14, 2020)

It should forbid profits that are garnered from violating human dignity and rights or the unsustainable use of natural resources.

It should make possible reparations or restitution for the damages to human dignity, rights or the environment for profits that have been garnered from violating human dignity and rights or the unsustainable use of natural resources.

It should hold States responsible for ensuring that its patterns of consumption are sustainable and respect human dignity and rights. It should also make it possible for peoples in other countries who's dignity, rights or environment have considerably suffered from the unsustainable patterns of consumption of these States to pursue reparations from them.

If not now, when?

#### **IV. Adopt a new treaty and review mechanism for the elimination of all forms of racial discrimination among as well as within countries**

While acknowledging that beyond protecting against individual and isolated incidents of racial discrimination for which individuals and institutions may be held accountable, the *International Convention for the Elimination of All Forms of Racial Discrimination* (ICERD) (1965) protects against systemic racism for which states are to be held accountable.

Affirming along with the ICERD, that states are responsible for eliminating all forms of racial discrimination and obliged to actively protect and promote the equal enjoyment of human rights of groups that are especially subjected to racial discrimination such as indigenous peoples, people of African descent, Roma and refugees.

Noting, however, that the ICERD does not address racial discrimination between and across states in international affairs and is limited to how States treat their own residents.<sup>14</sup>

Affirming, on the other hand, that the most comprehensive universal human rights instrument against racial discrimination, the *Durban Declaration and Programme of Action* (DDPA) (2001), asserts the need to promote racial equity among as well as within countries.

Recognizing that the preamble of the ICERD condemns “colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist.”

Recognizing, moreover, that the DDPA pronounces that “colonialism has led to racism, racial discrimination, xenophobia and related intolerance, and that Africans and people of African descent, and people of Asian descent and indigenous peoples were victims of colonialism and continue to be victims of its consequences.”

Furthermore, that “the effects and persistence of these structures and practices [of European colonialism] have been among the factors contributing to lasting social and economic inequalities in many parts of the world today.”<sup>15</sup>

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<sup>14</sup> Cf. Articles 1.2 and 1.3 of the *International Convention on the Elimination of All Forms of Racial Discrimination* (1965)

<sup>15</sup> *The Durban Declaration and Programme of Action* (2001), Art. 14 p. 17

Affirming, moreover, that with respect to the massive human suffering caused by colonialism, genocide, enslavement, the transatlantic trade and trafficking of enslaved people, racial segregation and subjugation (apartheid), the DDPA asserts “the moral obligation on the part of all concerned States and call upon these States to take appropriate and effective measures to halt and reverse the lasting consequences of those practices.”<sup>16</sup>

We recognize, while considering the gravity of centuries of colonialism in shaping the world, that Global North countries and the international community never have taken steps to repair the damages of colonialism.

While being aware that the racial discrimination and subjugation on which centuries of colonialism was premised is reflected in the racial stratification of today’s Europe, where the most discriminated against are people of non-European descent, and among those, in particular people of African descent, Roma and the indigenous Saami people of northern Scandinavia.<sup>17</sup> Similarly, in European colonial settler-states such as the US, Canada and Brazil, indigenous peoples and people of African descent remain the most marginalized and disenfranchised across areas of society, indicators of health and prosperity.

While bearing witness to the many global expressions of racism and their hindrance to the enjoyment of human rights and international cooperation, we resolutely assert that our world needs a new human rights paradigm, which emphasizes human rights protection against racial discrimination in international as well as domestic affairs.

Our world urgently needs international and domestic processes of restorative justice as practiced by indigenous peoples across the world to restore our common humanity and the inherent dignity of all peoples.

Our world needs processes of reparatory justice for the historical and continuing injustices of colonialism. Not primarily as a matter of financial compensation nor as a matter of retribution, but as a matter of rectifying structural injustices.

We recognize, however, that the UN currently lacks robust legal and institutional infrastructures to facilitate such processes.<sup>18</sup>

Changing this is critical to leaving no one behind, reaching the furthest behind first, affirming our common humanity and an ethic of global citizenship and shared responsibility.

It is critical to rectifying historical racial injustices and crimes against humanity during colonialism that have never been addressed and allowed to linger into the present.

In view of this, we urge the UN to *adopt a new treaty and review mechanism for the elimination of all forms of racial discrimination among as well as within countries.*

This treaty may either complement or replace the ICERD, include some of its provisions, and build on the insight of the DDPA that racial discrimination has both national and international dimensions.

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<sup>16</sup> Ibid, Art. 102 p. 38

<sup>17</sup> European Union Agency for Fundamental Rights (FRA), *The Second European Union Minority and Discrimination Survey (MIDIS II)* (2017), <https://fra.europa.eu/en/publication/2017/second-european-union-minorities-and-discrimination-survey-main-results> (accessed October 14, 2020).

<sup>18</sup> United Nations Special Rapporteur on Racism, report to the General Assembly on the human rights obligations of Member States in relation to reparations for racial discrimination rooted in slavery and colonialism A/74/321 (2019), <https://undocs.org/A/74/321> (accessed October 14, 2020).

It should unambiguously affirm the systemic or structural nature of racism and that States are obligated to organize their societies, its institutions and international relations so that equality of dignity, rights and non-discrimination prevail and peoples that do not enjoy equal access to rights are compensated.

Its human rights protection could include extraterritorial responsibilities and obligations towards protecting and promoting equal enjoyment of human rights and eliminating racial discrimination in its international relations and economic activities (including those of its corporations).

It should also cover issues of international or global justice that are a result or continuation of historical racial injustices and inequities among peoples of the world, including such crimes against humanity as enslavement, native genocide, racial segregation and subjugation (apartheid).

If not now, when?