

Background

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The U.S. Should Boycott the U.N.'s Durban II Conference on Racism

Brett D. Schaefer

The Bush Administration has taken a strong line in its opposition to the 2009 Durban Review Conference, commonly referred to as “Durban II.” Durban II is the follow-up meeting to the disastrous United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, in 2001. The 2001 conference fell victim to nations and non-governmental organizations (NGOs) that were bent on using it to criticize Israel and the United States. After unsuccessfully trying to counter those efforts, the U.S. delegation walked out of the conference.

Durban II, organized by the gravely disappointing United Nations Human Rights Council, is following in the footsteps of the 2001 conference. The U.S. has expressed its concerns explicitly and has adopted a policy of voting against proposals for a follow-up to the Durban conference, forgoing participation in the preparatory meetings, and voting against the U.N. budget that included funding for Durban II. The U.S. has also announced its intention to boycott Durban II if it looks as if it will be a repeat of the 2001 conference.

Leaving open the door to participation in Durban II—even if it appears to be slightly better than Durban I—may appear to make sense in that the threat of another walkout might help the U.S. to press its case for change. But the best approach would be for the U.S. to come out, as Canada has done, and simply say that it will not participate in Durban II. It makes little sense for the U.S. to consider participating when the

Talking Points

- The 2009 Durban Review Conference is the follow-up to the disastrous 2001 United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa.
- The 2001 conference fell victim to nations and non-governmental organizations (NGOs) bent on using it to criticize Israel and the United States, and the U.S. delegation eventually walked out. Durban II is following in the footsteps of the 2001 conference.
- The Administration has taken strong steps to avoid giving support to Durban II, including a policy of voting against a follow-up to the Durban conference, forgoing participation in the preparatory meetings, and voting against the U.N. funding for Durban II.
- The United States should go further and place the next Administration in the strongest possible negotiating position by announcing America's intention to boycott Durban II and work with Congress to withhold U.S. funds from Durban II.

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expressed purpose of Durban II is to review the implementation of the Durban Declaration, which the U.S. walked away from in 2001.

Because the conference will take place after the end of the current Administration, the opportunity for the Bush Administration to exert a positive influence on Durban II is limited. The U.S. would strengthen the negotiating position of the next Administration by unequivocally announcing an American boycott of Durban II and working with Congress to withhold all U.S. funds that would go to related activities.

The Shameful Legacy of Durban

In its 1997 Resolution 52/111, the United Nations General Assembly decided to hold a World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The Third Committee of the General Assembly decided in 1999 to hold the 2001 conference in Durban, South Africa.

According to the conference Web site, Durban I was intended to be “a landmark in the struggle to eradicate all forms of racism.... The World Conference is a unique opportunity to create a new world vision for the fight against racism in the twenty-first century.”¹ What started as a seemingly well-intentioned effort to focus the international community on fighting racism quickly ran off the rails as those bent on condemning Israel and America managed to dominate the agenda, the drafting of documents, and the events surrounding the conference.²

Pre-conference drafts condemned Israel for allegedly pursuing a racist Zionist agenda and committing crimes against humanity. An African-led effort sought to include a demand for reparations from the West for slavery. NGOs exerted enormous

pressure on the conferees to criticize the U.S. for a litany of perceived crimes, including widespread racism, a foreign policy that was “responsible for racial oppression around the world,” denial of economic “rights,” and refusal to adopt U.N. treaties without reservations.³

The last point is particularly alarming, since many of America’s treaty reservations are intended to inform other countries that the U.S. will not accept any treaty requirements that are incompatible with the U.S. Constitution. As noted by Hudson Institute scholar John Fonte:

The real purpose of the Durban conference as conceived by its key players—the NGOs, their ideological allies in the U.N. hierarchy (e.g., Mary Robinson), and their Third World clients—is to chastise the United States, and begin the long process of transforming our constitutional democracy into something more to their liking. Whether it’s to the liking, or with the consent, of the American people, seems not to rank high among NGO priorities.⁴

The U.S. rejected unjustified attempts to demonize Israel and rebuffed calls to subordinate the U.S. Constitution to international treaties, which would weaken the protections that have served America so well. Likewise, the NGOs’ accusations that racism “permeates every institution at every level” in the U.S. were rightly dismissed as ridiculous, considering how effectively the Constitution, comprehensive civil rights laws, civil rights enforcement agencies, and state and federal court rulings promote concrete protections against racism. Indeed, the U.S. system is appropriately held as a model by other nations.

1. World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, “Basic Information,” at www.un.org/WCAR/e-kit/background1.htm.
2. For a narrative, see John Fonte, “Durban vs. America: NGOs Take on Racism, Poverty, and the First Amendment,” Hudson Institute, August 21, 2001, at www.hudson.org/index.cfm?fuseaction=publication_details&id=961; John Fonte, “Boycott Durban,” Hudson Institute, August 31, 2001, at www.hudson.org/index.cfm?fuseaction=publication_details&id=968; and Tom Lantos, “The Durban Debacle: An Insider’s View of the UN World Conference Against Racism,” Tufts University, Fletcher School of Law and Diplomacy, *Fletcher Forum of World Affairs*, Vol. 26, No. 1 (Winter/Spring 2002), at <http://fletcher.tufts.edu/forum/archives/pdfs/26-1pdfs/Lantos9.pdf>.
3. Fonte, “Boycott Durban.”
4. *Ibid.*

Efforts to resolve these disputes before and during the conference were largely unsuccessful. In the end, the 2001 Durban conference degenerated into a noxious series of speeches and statements dominated by anti-Semitism and anti-Americanism. The United States, Canada, and Israel condemned the conference as a shameful example of everything that it was supposed to oppose.

When it became obvious that the conference would not be a useful venue for combating racism, discrimination, xenophobia, or intolerance, the U.S. and Israeli delegations walked out.⁵ As explained by former Secretary of State Colin Powell:

I have instructed our representatives at the World Conference Against Racism to return home. I have taken this decision with regret, because of the importance of the international fight against racism and the contribution that the Conference could have made to it. But, following discussions today by our team in Durban and others who are working for a successful conference, I am convinced that will not be possible. I know that you do not combat racism by conferences that produce declarations containing hateful language, some of which is a throwback to the days of “Zionism equals racism;” or supports the idea that we have made too much of the Holocaust; or suggests that apartheid exists in Israel; or that singles out only one country in the world—Israel—for censure and abuse.⁶

Although the final conference declaration was made more moderate than early drafts in an effort to keep other delegations from walking out—refer-

ences to Zionism, for instance, were deleted—it clearly went far beyond what was acceptable to the U.S. The experience of the 2001 Durban conference led the Bush Administration to adopt a policy of voting against proposals for a follow-up conference and forgoing participation in the preparatory meetings for such a conference.

Another U.N. Travesty in the Making

Despite the black mark left by its predecessor, the U.N. is busy setting the stage for Durban II in 2009. In its 61st session, the U.N. General Assembly passed a resolution calling for a “Durban Review Conference” to be funded through the U.N. regular budget, of which the U.S. is expected to pay 22 percent. The resolution passed despite the concerns of Australia, Canada, Israel, members of the European Union, the U.S., and other prominent member states.⁷

The location of the 2009 review conference is supposed to be finalized at an April 2008 meeting of the conference’s planning committee. However, South African President Thabo Mbeki recently announced before his country’s parliament that, “Next year, South Africa will play host to the Review Conference to evaluate the implementation of the decisions of the World Conference Against Racism which was held in our country.”⁸ With backing from the Group of 77 and the African and Islamic country blocs, South Africa is likely to fulfill this claim. While a return to Durban is hardly a guarantee that the review conference will be a repeat of 2001, there are numerous troubling signs that make such an outcome likely.

A major concern is that the General Assembly placed responsibility for organizing Durban II with

5. Mark Klusener, “Accusations Fly As US, Israel Walk Out of ‘Bizarre’ UN Conference,” CNSNews.com, September 04, 2001, at www.cnsnews.com/ForeignBureaus%5Carchive%5C200109%5CFor20010904a.html.
6. Secretary of State Colin L. Powell, “World Conference Against Racism,” U.S. Department of State, September 3, 2001, at www.state.gov/secretary/former/powell/remarks/2001/4789.htm.
7. United Nations Department of Public Information, “General Assembly Adopts 46 Third Committee Texts on Human Rights Issues, Refugees, Self-Determination, Racism, Social Development,” General Assembly Document GA/10562, December 19, 2006, at www.un.org/News/Press/docs/2006/ga10562.doc.htm; United Nations, “Official Records,” General Assembly Document A/61/PV.81, 81st Plenary Meeting, December 19, 2006, at <http://daccessdds.un.org/doc/UNDOC/GEN/N06/669/66/PDF/N0666966.pdf>.
8. President Thabo Mbeki, “State of the Nation Address of the President of South Africa,” February 8, 2008, at www.polity.org.za/attachment.php?aa_id=11258.

the Human Rights Council. The council has been a grave disappointment in fulfilling its role as the premier U.N. human rights body. Since its creation in 2006 to replace the discredited U.N. Commission on Human Rights, the Human Rights Council has failed to address ongoing repression in Belarus, China, Cuba, North Korea, Zimbabwe, and many other places around the world. This is hardly surprising, since its members include Cuba, China, Russia, Saudi Arabia, and other noted human rights abusers. These countries use their influence to undermine efforts by the council to carry out its mandate. While the council has passed relatively mild condemnations of Sudan and Burma, it has saved its strongest criticism for Israel, condemning it 15 times in two years.⁹

The council decided that it will act as the Preparatory Committee for Durban II and elected 20 countries to serve on the bureau for the Preparatory Committee. It also decided that “the Preparatory Committee shall decide on all the relevant modalities for the Conference...including deciding on the objectives of the Review Conference.”¹⁰ Consistent with its terrible record since 2006, the council elected Libya to serve as chair of the Preparatory Committee. Among the 19 vice-chairs are Cuba, Iran, Pakistan, Russia, and South Africa,¹¹ none of which has distinguished itself as a champion of

equality or human rights during its tenure on the Human Rights Council.¹²

Considering that Libya is the chair and Iran is a vice-chair, it is hardly surprising that “Islamophobia” reportedly is high on the proposed agenda for Durban II. Based on efforts of the Organization of the Islamic Conference (OIC) in the Human Rights Council, this agenda item is likely to be a platform for criticizing America’s anti-terrorism efforts and for seeking to curb free speech that “defames” Islam.¹³

Libya and Iran are particularly ill suited to overseeing preparations for Durban II. Both countries are strong supporters of the OIC, which has historically been hostile to Israel. Libya is a member of the League of Arab States, whose Arab Charter on Human Rights calls for the elimination of “Zionism.” This violates General Assembly Resolution 46/86, which rejects the position that Zionism is racism or a form of racial discrimination.¹⁴ Of course, Iranian President Mahmoud Ahmadinejad has infamously stated that Israel “must be wiped off the map” and that “Zionists are the true manifestation of Satan.”¹⁵

Growing Opposition to Durban II

Out of concern that the 2009 conference will be a repeat of the disastrous 2001 Durban conference, Jason Kenney, Canada’s Multiculturalism Secretary of State, announced in January that Canada will not

9. Tovah Lazaroff, “UNHRC Slams Israel’s Actions in Gaza,” *Jerusalem Post*, January 24, 2008, at www.jpost.com/servlet/Satellite?cid=1201070783680&-pagename=JPost%2FJPArticle%2FShowFull.
10. Preparatory Committee for the Durban Review Conference, Geneva, August 27 to 31, 2007, “Highlights,” at www2.ohchr.org/english/issues/racism/groups/prep_committee_durban/index.htm#docs.
11. Preparatory Committee for the Durban Review Conference, Preparatory Committee Organizational Session, First Session, General Assembly Document A/CONF.211/PC.1/L.3, August 31, 2007, at www2.ohchr.org/english/issues/racism/groups/prep_committee_durban/docs/prepcomdraft.doc.
12. UN Watch, “Dawn of a New Era?” at www.unwatch.org/site/c.bdKKISNqEmG/b.3624385.
13. Led by the OIC, the Human Rights Council passed a resolution in March 2007 that expressed “deep concern at attempts to identify Islam with terrorism, violence and human rights violations” and urged states to “to take all possible measures to promote tolerance and respect for all religions and their value systems and to complement legal systems with intellectual and moral strategies to combat religious hatred and intolerance.” The resolution also made the disturbing assertion that the right to freedom of expression may be limited out of “respect for religions and beliefs.” See Brett D. Schaefer, “The United Nations Human Rights Council: A Disastrous First Year,” Heritage Foundation *Background* No. 2038, June 1, 2007, at www.heritage.org/Research/WorldwideFreedom/bg2038.cfm. Moreover, when other members of the council succeeded in broadening a December resolution to include “anti-Semitism and Christianophobia” in addition to Islamophobia, South Africa and most members of the OIC on the council abstained rather than support a resolution that expressed concern about anti-Semitism or Christianophobia. See Human Rights Council, “Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,” Resolution 6/37, December 14, 2007, at http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_6_37.pdf.

attend. In February, Israeli Foreign Affairs Minister Tzipi Livni announced that Israel will follow Canada's example and boycott Durban II, stating that "Israel will not participate... unless it is proven that the conference will not be used as a platform for further anti-Israeli and anti-Semitic behaviour."¹⁶

There is the possibility that more nations will join the boycott. The United Kingdom and Germany are rumored to be considering pulling out of the planning process if Durban II appears to be following in the footsteps of the first conference. French President Nicolas Sarkozy recently gave the following warning:

France will not allow a repetition of the excesses and abuses of 2001. Our European partners share France's concerns. France will chair the EU in the final months preceding the review conference. I say to you: if ever our legitimate demands are not taken into account, we will disengage from the process.¹⁷

This wait-and-see approach indicates that support for Durban II is weak even among Europeans who typically support U.N. initiatives.

The United States has also expressed deep concerns about Durban II. In December 2007, it was the only country to vote against the U.N. biennial budget for 2008–2009. In addition to its objection to unprecedented increases in the size of the pro-

jected budget, the U.S. delegation objected to specific provisions in the budget, including \$6.8 million in funding for Durban II.¹⁸ As explained by Ambassador Mark D. Wallace:

Finally Mr. Chairman, we could not support this budget resolution because this budget today contains funding to what we refer colloquially to as the "Durban 2 Conference." Our political sentiments have been clearly expressed on this revisiting of an event that was noxious to my country and a disgrace in the International Community... [T]he straw that broke the camel's back [was] Durban 2—we cannot support this budget.¹⁹

Recent comments from the U.S. State Department, however, gave the impression that the Administration would not boycott Durban II out of concern that to do so might constrain policy for the next Administration. "There has not been a formal decision made to [boycott Durban II]," State Department envoy Gregg Rickman told the U.S. Helsinki Commission. "And in essence, because this conference will take place in 2009, it will be left to the decision of the succeeding administration."²⁰

Subsequently, U.S. Secretary of State Condoleezza Rice used somewhat stronger language: "We've not tried to make a final decision on this, but let me just state very clearly we don't have any interest in par-

14. Article 2 of the Charter states, "All forms of racism, Zionism and foreign occupation and domination constitute an impediment to human dignity and a major barrier to the exercise of the fundamental rights of peoples; all such practices must be condemned and efforts must be deployed for their elimination." See League of Arab States, "Revised Arab Charter on Human Rights," May 22, 2004, at www1.umn.edu/humanrts/instrree/loas2005.html?msource=UNWDEC19001&tr=y&auid=3337655, and United Nations, "Statement by UN High Commissioner for Human Rights on the Entry into Force of the Arab Charter on Human Rights," press release, January 30, 2008, at www.unhcr.ch/hurricane/hurricane.nsf/view01/6C211162E43235FAC12573E00056E19D?opendocument&msource=WW139&tr=y&auid=3347339.
15. Mahmoud Ahmadinejad, speech at "The World Without Zionism" Conference, Tehran, October 26, 2005, at www.nytimes.com/2005/10/30/weekinreview/30iran.html, and "Ahmadinejad in Sudan: 'Zionists Are the True Manifestation of Satan,'" Haaretz, March 1, 2007, at www.haaretz.com/hasen/spages/832229.html.
16. Steven Edwards, "'Canada's Courage' Sets Pace; UN Conference; Israel Follows Ottawa Boycott of Anti-racism Forum," *National Post* (Canada), February 25, 2008, p. A4.
17. UN Watch, "President Sarkozy: France to 'Disengage' from UN's Durban II Racism Conference If Abuses Recur," press release, February 14, 2008, at www.unwatch.org/site/apps/nlnet/content2.aspx?c=bdKKISNqEmG&b=1316871&ct=5030767.
18. Claudia Rosett, "Destination: Durban II," *National Review Online*, December 21, 2007, at <http://article.nationalreview.com/?q=OGE3NGMyOWEwNDA3MzMyNjM3MjAzMDM3NzllNThmMDU>.
19. Ambassador Mark Wallace, "Explanation of Vote on Agenda Item 128: Questions Relating to the Proposed Program Budget for the Biennium 2008–2009, in the Fifth Committee of the General Assembly," United States Mission to the United Nations, USUN Press Release #387(07), December 22, 2007, at www.un.int/usa/press_releases/20071222_387.html.

ticipating in something that deteriorates into the kind of conference that Durban I was.”²¹

Holding open the possibility of participating in Durban II is raising concerns among conservatives, including legislators on Capitol Hill. For instance, a press release on a letter from Senator Norm Coleman (R–MN), co-signed by 25 Republican Senators and Independent Senator Joe Lieberman (I–CT), stated the following:

The first Durban Conference was nothing more than a platform for rogue nations to make anti-Semit[ic] declarations, demonize Israel and promote anti-democratic values under the guise of “human rights.” Durban II promises to be just as much of a sham as the first Conference.... [T]he Executive Committee of the Preparatory Committee for Durban II is chaired by Libya, and one of its Vice-Chairman is Iran. Ironically, Iran has engaged in one of the most pernicious forms of racism—Holocaust-denial. In the end, I believe that State will recognize that attending Durban II would legitimize the hateful propaganda it seeks to spread.²²

The Department of State provided a welcome clarification in a February 27 letter to Senator Coleman that laid out the steps that the U.S. has taken to oppose Durban II:

As Secretary Rice made clear in her recent testimony, we believe it would be inappropriate to participate in Durban II without confidence that it will avoid the problems of Durban I. At this point, we have no reason to believe Durban II will be an improvement over its predecessor. Consistent with this view, since last August we have declined to

participate in meetings to prepare for Durban II, which is scheduled to start in the later half of 2009, and will continue to oppose funding for the assessed budget.²³

It did not, however, state unequivocally that the U.S. would boycott Durban II.

What the U.S. Should Do

The Administration has wisely taken strong steps to avoid giving support to Durban II, including a policy of voting against proposals for a follow-up to the Durban conference, forgoing participation in the preparatory meetings for the Durban Review Conference, and voting against the U.N. budget that included funding for Durban II. The U.S. has also announced its intention to boycott a conference that resembles Durban I.

However, delaying the decision to walk away from Durban II is unlikely to achieve what the U.S. wants. The 2001 Durban Declaration contains positions and provisions with which the U.S. strongly disagrees. Since the stated purpose of Durban II is to further the implementation of the Durban Declaration, it makes little sense for the U.S. to participate in a process that would expand on an outcome that is incompatible with American interests.

As noted by the State Department, the conference will take place after the current Administration leaves office. Any attempt to use its leverage and influence to improve Durban II is being undermined by the expectation that a new Administration will be far less stringent in its opposition. For this reason, there is very little incentive for other nations and NGOs that are bent on making Durban II a repeat of the 2001 conference to make concessions before the upcoming U.S. elections.

20. United States Commission on Security and Cooperation in Europe (Helsinki Commission), “Taking Stock: Combating Anti-Semitism in the OSCE Region,” *Hearing on Anti-Semitism in the OSCE Region*, Part Two, Unofficial Transcript, at www.csce.gov/index.cfm?Fuseaction=ContentRecords.ViewDetail&ContentRecord_id=411&ContentType=H,B&ContentRecordType=H&CFID=6607630&CFTOKEN=12036673.

21. “US Could Boycott SA Racism Summit,” *The Times*, February 14, 2008, at www.thetimes.co.za/News/Article.aspx?id=706210.

22. Press release, “Coleman Continues to Urge State to Not Participate in the Durban II Conference,” updated February 8, 2008, at http://coleman.senate.gov/public/index.cfm?FuseAction=PressReleases.Detail&PressRelease_id=a39a0565-6257-4578-b880-6b378c03e150.

23. Letter to Senator Norm Coleman (R–MN) from Assistant Secretary of State for Legislative Affairs Jeffrey T. Bergner, February 27, 2008. Copy provided by the office of Senator Coleman.

It therefore behooves the United States to place the next Administration in the strongest possible negotiating position by announcing America's intention to boycott Durban II and work with Congress to withhold the proportional U.S. share of the U.N. regular budget that is being used to support Durban II. Such a policy would allow the next Administration to require significant improvements in Durban II's agenda in order to justify changing that policy and to withstand the scrutiny that such a policy change would elicit.

Conclusion

Both Canada and Israel have announced that they will not attend Durban II because they have determined that it will likely be a repeat of the 2001 disaster. The U.S. has also expressed its concern that Durban II will devolve into yet another platform for anti-Israel, anti-America rhetoric, violating the very purpose of the conference. The Administration's statements clearly indicate that it does not see Durban II as either beneficial or benign.

To its credit, the Bush Administration has steadfastly refused to attend preparatory meetings on Durban II and has voted against U.N. resolutions

supporting the conference. The Administration should expand on its current policy by announcing an American boycott of Durban II.

The Administration should also work with Congress to withhold the proportional U.S. share of the U.N. regular budget that is being used to support Durban II. This will strengthen the hand of the next Administration in its negotiations with other nations because the U.N. will have to provide evidence of specific improvements for Washington to convince the American people that Durban II will not replicate the 2001 conference and that the U.S. would benefit by supporting and participating in Durban II.

At the very least, if Durban II proves to be unworthy of support, as so many expect, then the U.S. will have taken the correct approach by distancing itself from the conference from the beginning.

—Brett D. Schaefer is Jay Kingham Fellow in International Regulatory Affairs in the Margaret Thatcher Center for Freedom, a division of the Kathryn and Shelby Cullom Davis Institute for International Studies, at The Heritage Foundation.