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The United Kingdom Must Lead Europe's Withdrawal from the U.N.'s Durban Review Conference

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The Obama Administration has announced that, unless the draft outcome document is fundamentally changed, it will not participate in the 2009 Durban Review Conference. Nor will it participate in further negotiations on the document. Both decisions are correct: The draft document promised nothing but a repeat of the disastrous 2001 United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa. Recognizing this, both Canada and Israel withdrew from the conference many months ago.

Now it is Europe's turn to act. So far, the European states have condemned the prospect of a repeat of 2001 but have not withdrawn. The United Kingdom must take the lead. Acting in concert with the U.S. and Canada, its other close friend in North America, the U.K. should immediately and unconditionally withdraw from the conference. By doing so, the U.K. will not only deal an additional blow to the conference's anti-Semitic, racist, and anti-free speech agenda, but it will also encourage other European states to stand with it in opposing the subversion of democratic liberties and the international system by authoritarian and oppressive states.

Background to the 2009 Conference. The 2001 United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance is an enduring embarrassment to the United Nations. The pre-conference drafts condemned Israel for committing crimes against humanity, while a host of non-governmental orga-

nizations urged conferees to condemn the U.S. for 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 reservation.

The conference itself was so dominated by anti-Semitism and anti-Americanism that the U.S. and Israeli delegations walked out.¹ Secretary of State Colin Powell regretted the necessity of this action, noting in his statement of September 3, 2001 that:

I know that you do not combat racism by conferences that produce declarations containing hateful language...[that] 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.²

In spite of the U.S. and Israeli withdrawal, the Durban Conference resulted in the adoption by consensus—a consensus that included the U.K. and all the nations of the EU—of the Durban Declaration and Programme of Action (DDPA). Five years later, in December 2006, the U.N. General Assembly passed a resolution calling for a "Durban Review Conference," commonly known as "Durban II," to

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“assess and accelerate progress on implementation of measures adopted at the 2001 World Conference against Racism.”³ This conference will be held in Geneva on April 20–24, 2009.

Canada, citing the 2001 conference’s “open and divisive expressions of intolerance and anti-Semitism” and the ongoing failings of preparations for Durban II, withdrew from it in January 2008.⁴ Israel followed in November 2008.⁵ The Bush Administration announced it would “not participate [in Durban II] unless it is proven that the conference will not be used as a platform for anti-Semitic behavior.”⁶ But though the U.S., in December 2007, voted against the entire U.N. budget because it included funding for Durban II, the Administration ultimately left the decision about whether to participate to its successor.

The Obama Administration’s Decision Was Correct. On February 27, the Obama Administration announced that “the [preparatory] document being negotiated has gone from bad to worse, and the current text of the draft outcome document is not salvageable.”⁷ The draft outcome document reaffirms the 2001 DDPA and singles out Israel with harsh, repeated, and entirely one-sided criticism.

The Administration rightly rejected both of these aspects of the document as unacceptable.

In the name of “defamation of religions,” a concept being advanced by Islamic countries to justify censorship of any criticism of Islamic radicalism, the document also calls on states “to develop, and where appropriate to incorporate, permissible limitations on the exercise of the right to freedom of expression into national legislation.” In the U.S., such limitations would violate the First Amendment.⁸ The draft also urges states to pay reparations for “the massive human suffering caused by slavery, the slave trade, the transatlantic slave trade, apartheid, colonialism and genocide.”⁹ This too is obviously unacceptable, as the Administration has noted.

In short, the 2009 preparatory document is even more biased and unworkable than the 2001 DDPA. This is no surprise: The Preparatory Committee is chaired by the dictatorial state of Libya. Among its vice-chairs are Cuba, Iran, Pakistan, and Russia, all of whom are responsible for gross and repeated violations of human rights.¹⁰ Final responsibility for organizing the 2009 conference rests with the U.N.’s Human Rights Council, which includes Cuba, Paki-

1. Brett D. Schaefer, “The U.S. Should Boycott the U.N.’s Durban II Conference on Racism,” Heritage Foundation *Backgrounder* No. 2112, March 6, 2008, pp. 1–3, at <http://www.heritage.org/Research/InternationalOrganizations/bg2112.cfm>.
2. *Ibid.*, p. 3.
3. United Nations, “Durban Review Conference, Geneva, 20–24 April, 2009. Background,” U.N. Department of Public Information, 2009, at <http://www.un.org/durbanreview2009/background.shtml> (March 3, 2009).
4. Schaefer, “The U.S. Should Boycott the U.N.’s Durban II Conference on Racism,” pp. 4–5.
5. Barak Ravid, “Israel to Boycott ‘Durban II’ Anti-Racism Conference,” Haaretz, November 21, 2008, at <http://www.haaretz.com/hasen/spages/1038897.html> (March 3, 2009).
6. Brett D. Schaefer, “Durban II: The Administration Moves in the Right Direction,” Heritage Foundation *WebMemo* No. 1896, April 17, 2008, at <http://www.heritage.org/Research/InternationalOrganizations/wm1896.cfm>.
7. Robert Wood, “U.S. Posture Toward the Durban Review Conference and Participation in the U.N. Human Rights Council,” U.S. Department of State, February 27, 2009, at <http://www.state.gov/r/pa/prs/ps/2009/02/119892.htm> (March 3, 2009).
8. Steven Groves, “Why the U.S. Should Oppose ‘Defamation of Religions’ Resolutions at the United Nations,” Heritage Foundation *Backgrounder* No. 2206, November 10, 2008, at <http://www.heritage.org/Research/LegalIssues/bg2206.cfm>.
9. United Nations, “Revised Version of the Technically Reviewed Text (A/CONF.211/PC/WG.2/CRP.2) Submitted by the Chairperson-Rapporteur of the Intersessional Open-Ended Working Group Mandated to Continue and Finalize the Process of Negotiations on and Drafting of the Outcome Document,” Durban Review Conference Preparatory Committee, January 23, 2009, p. 32, at http://www.un.org/durbanreview2009/pdf/intersession_open_ended19109.pdf (March 3, 2009).
10. United Nations, “Report of the Preparatory Committee on Its First Session,” Durban Review Conference Preparatory Committee, October 2, 2007, p. 5, at http://www.un.org/durbanreview2009/pdf/A_62_375.pdf (March 3, 2009).

stan, China, Saudi Arabia, and Russia and has condemned Israel 21 separate times.¹¹ As the entire structure of human rights at the U.N. has been subverted to shield the guilty, the failure of the 2009 process comes as no surprise.

What the United Kingdom Must Do. The European position on Durban II is clear. In February 2008, French President Nicolas Sarkozy stated that:

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. I think my answer is unambiguous.

The implication of Sarkozy's statement was that the European states would decide whether to participate by the end of 2008, when France left the chair of the EU. But 2009 came with no European decision. Britain too has stated that it will "play no part in an international conference that exhibits the degree of anti-Semitism that was disgracefully on view on the previous occasion." The Netherlands and Denmark have made similarly unequivocal statements.¹²

The conditions for European withdrawal have been met. Both Canada and the United States agree: The draft outcome document for the 2009 conference is disgracefully anti-Semitic. It not only repeats

the excesses and abuses of 2001; it builds on and exaggerates them. The 2009 conference is now only seven weeks away. If they participate in Durban II, the states of Europe—and especially Great Britain, with its proud tradition of the defense of liberty, free speech, and tolerance—would betray their previous pledges and avowed principles.

What is lacking in Europe is not a clear position; it is leadership. This is the role the United Kingdom must assume. The only honorable course open to Europe is to fulfill its promises. The alternative of participation is unacceptable. On the grounds of conscience, it would be wrong. For those who genuinely believe in human freedoms, it would be a betrayal. For defenders of the international system, it would represent a partnership with those states that seek to subvert and twist that system into an alliance with evil.

The United Kingdom cannot be party to a conference that renders it an accomplice of and an apologist for repressive and anti-Semitic regimes. It must withdraw from Durban II immediately and unconditionally and supply the leadership in action that has so far been lacking in Europe.

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11. U.N. Human Rights Council, "Membership of the Human Rights Council," 2009, at <http://www2.ohchr.org/english/bodies/hrcouncil/membership.htm> (March 3, 2009); U.N. Watch, "Anti-Israel Resolutions at the HRC," 2009, at <http://www.unwatch.org/site/c.bdKKISNqEmG/b.3820041> (March 3, 2009).
12. U.N. Watch, "Shattering the Red Lines: The Durban II Draft Declaration," October 28, 2008, pp. 2–3, at <http://blog.unwatch.org/wp-content/uploads/2008/10/shattering-the-red-lines-the-durban-ii-draft-declaration.pdf> (March 3, 2009).