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The World Conference Against Racism: “United to Combat Racism: Equality, Justice and Dignity” – Overview and Analysis

This Bulletin aims to provide a brief overview of issues related to Palestinian Refugee Rights

The third world conference to combat racism and racial discrimination, held in Durban, South Africa between 26 August and 9 September 2001, brought together youth, non-governmental organizations (NGOs), and governments from around the world in parallel fora to hammer out a declaration and program of action against racism. This was the first time that the conference was held outside of Europe, with South Africa playing host in recognition of the successful struggle to end apartheid (even though the residue of apartheid continues to manifest itself in severe landlessness and economic segregation).

This bulletin provides basic background to the 2001 conference, an overview of the issues on the agenda, analysis of the impact of the conference, and some thoughts on future work related to Palestinian rights in general, and refugee rights in particular.

Background

The first world conference against racism was held in Geneva in 1978, nearly a decade after the International Convention on the Elimination of All Forms of Racial Discrimination came into force. The conference came midway through the first “Decade for action to combat racism and racial discrimination” as designated by the UN General Assembly in November 1972. Five years later, the UN convened a second conference coinciding with the beginning of the second decade to combat racism. The aim of these conferences was to develop a joint program of action against racism to be implemented by member states of the United Nations.

While the conferences focused on a range of subjects related to racism and racial discrimination, South African apartheid and, to a lesser extent, Israel’s military occupation dominated the agenda of the first two conferences. In both 1978 and 1983, the United States, the EU and other western states opposed inclusion of express language dealing with South Africa and Israel in the conference declaration and program of action. These states also opposed and voted against measures, such as the isolation of South Africa (and its supporters), sanctions, and support for the national liberation movement in South Africa, resulting in a US boycott of the 1978 conference. The final declarations of both conferences also included statements supporting the right of the Palestinian people to self-determination and their “struggle for liberation and against racial discrimination” but did not include a detailed program of action.

Preparations for the most recent conference began more than a year ago and included a series of regional meetings as well as preparatory sessions in Geneva where the parties formulated draft declarations and programs of action to be finalized at the NGO forum and government conference in Durban. Pre-conference public debate and media coverage focused almost exclusively on the Israeli-Palestinian conflict, reparations for the transatlantic slave trade and, more generally, whether perpetrators of racism and racial discrimination should be mentioned by name in the final conference declarations.

Throughout the preparatory process, as in 1978 and 1983, the United States, the EU, Israel, and several other states (such as Canada) attempted to keep certain issues off the agenda, including Israel’s brand of apartheid and reparations for the slave trade, through intense lobbying, pressure, and the threat (US and Israel) to withdraw from the conference. While other western states opposed express language concerning Israel and the Palestinians, they

indicated that they would support general language. These issues remained unresolved prior to the opening of the 3rd World Conference Against Racism.

The NGO Forum – “Getting the Issues on the Agenda”

The NGO forum, which preceded the government conference, was organized around a series of issue-specific thematic commissions, supplemented by individual workshops and daily demonstrations and events by victims of racism around the world. The forum addressed a wide range of issues, including the slave trade and reparations, caste and discrimination, criminal justice, anti-semitism, persons with disabilities, education, colonialism and foreign occupation, ethnic and national minorities, gender, globalization, environmental racism, health and HIV/AIDS, hate crimes, labor, media and communication, migrants and migrant workers, religious intolerance, sexual orientation, young people and children including the girl child, refugees and asylum seekers, and trafficking.

The content of the final NGO Declaration and Program of Action confirms that the forum accomplished exactly what it was designed to be – a platform for the victims of racism to get their issues on the agenda, whether they be Africans and African descendants, indigenous peoples, semitic peoples (including Jews and Arabs), Asians and Asian descendants, Dalits (victims of caste discrimination in India), Palestinians, Tibetans, Bhutanese, Kurds and many others. In practice, the forum embodied the conference slogan, “United to Combat Racism: Equality, Justice and Dignity”; a kind of south-south exchange with the potential of developing into a new global solidarity movement.

For five days, representatives of some 3,000 NGOs around the world listened to each other’s stories and experiences, formed links, lobbied, and supported each other to ensure that the voices of the victims of racism and their demand for the realization of their rights would be heard. On the last evening of the NGO forum, after a long day of lobbying and final amendments, NGOs representing 44 regional and interest-based caucuses adopted their Declaration and Program of Action, an inclusive document, grounded in international law, which boldly names the perpetrators of racism and sets out a clear program of action to combat racism. In addition to actions concerning specific victims of racism, the program called for measures to strengthen international law, including expanded procedures for individual complaints to UN human rights bodies and enforceable sanctions against states violating international law.

As regards Palestinians, the Program of Action calls for measures to enforce international law, end Israel’s military occupation, and deploy international protection forces. Significantly, the NGO document addresses racism and racial discrimination related to the root causes of the Palestinian-Israeli conflict, including the denial of the right of return of Palestinian refugees and internally displaced persons to their homes and properties, and calls for the repeal of Israel’s Law of Return and Absentees’ Property Laws which discriminate against Palestinians. The Program of Action calls upon the UN to prepare educational materials and establish a special committee on the Israeli racist apartheid system; UN programs to combat the racist media distortion, stereotyping, and propaganda that demonizes and dehumanizes Palestinians as being violent terrorists; and, launch an international anti-Israeli-apartheid movement. The program further calls on the international community to impose a policy of complete and total isolation of Israel as an apartheid state, as was done in the case of South Africa. Supported by nearly every other caucus, the Palestinian and Arab caucuses also succeeded in removing a controversial paragraph inserted by the (Zionist) Jewish Caucus, representing NGOs such as the Anti-Defamation League, B’nai Brith, Hadassah and the Wiesenthal Center, which described “charges of genocide, war crimes, crimes against humanity, ethnic cleansing and apartheid, [against Israel] as a virulent contemporary form of antisemitism”. This paragraph, if adopted, would have meant that any human rights critique on the State of Israel could be labeled as “antisemitism”.

Unity and solidarity ensured that the voices of the victims of racism would be heard through the platform provided by the NGO forum. The unified position of Palestinian and Arab NGOs was facilitated by advance work within the 1967 occupied territories, inside Israel, as well as

in the Arab world. A common Palestinian and Arab agenda was set down before the conference in a Palestinian NGO Position Paper and in the Cairo Declaration Against Racism and communicated to NGOs representing other victims of racism around the world. Expressions of solidarity with Palestinians, in particular, in South Africa were evident in mass rallies and marches, joint media conferences, joint workshop panels that addressed common issues of discrimination, and in the drafting process for the final declaration and program of action.

On the second last day of the forum, the Durban Social Forum, including the South African Palestine Solidarity Committee, organized a mass march and rally to raise the demands of the landless in South Africa and Palestinians. Some 60,000 people participated in the march, which ended with a rally where South Africans announced the launch of an international anti-apartheid movement against Israel's brand of apartheid. "We, South Africans, extend our hands to the heroic people of Palestine," read a statement distributed during the rally. "Theirs is the struggle, slingshots in hand, of David against Goliath. Theirs is the vision of a country shorn of racist dominion. Theirs is the passion for life without oppression. Theirs is the struggle, Arab and Jews to be free from discrimination and injustice. As South Africans we understand these struggles, visions and passions. We support the demand to isolate Apartheid Israel, the right of return of millions of Palestinian refugees and the dismantling of racist settlements. We pledge ourselves to be part of a new International Anti-Apartheid movement against Israel."

The Government Conference

While the voices of the victims of racism emanated loud and clear from the NGO forum, the political interests of numerous state parties, many of which were named by NGOs as perpetrators of racism, shackled the government conference. The political discourse that dominated the government conference often drowned out the voices of the victims of racism. This problem was compounded by the international media, which seemed intent on covering the "controversy" surrounding Israel and Zionism and slave reparations to the exclusion of all other issues. Despite claims to the contrary by government and UN officials, the conference agenda was hijacked by the media, and not by Palestinian and Arab NGOs and officials. Palestinian NGOs working together with other NGOs, such as those representing the Dalits, were often frustrated in their attempts to interest the media in the experiences and demands of other victims of racism in the same way that the media was obsessed with the issue of Israel and Zionism.

Following the withdrawal from the conference by the United States and Israel, not unsurprising given the role played by the US in previous conferences, the benchmark for success of the government conference focused not so much on the content of the final declaration and program of action, but on whether states would be able to produce a document at the end of the day. For many NGOs, and not just Palestinian NGOs, it became clear that the content of the government document would be severely comprised and highly politicized when UN High Commissioner for Human Rights Mary Robinson initially refused to accept and relay the NGO Declaration and Program of Action, adopted through a legitimate, transparent and democratic process, to government representatives. While Robinson acknowledged that there were some "good things in the NGO Declaration" she noted that she could not accept some of the language, particularly the reference to genocide. "That is unacceptable, hurtful language, which should not have appeared in any document coming out of Durban." The High Commissioner did not explain why inclusion of the phrase "acts of genocide" in reference to the 1982 Sabra and Shatila massacre was "[in]appropriate to a world conference against racism and discrimination," particularly given the fact that the UN General Assembly (A/RES/37/123) and the Commission on Human Rights (E/CN.4/RES/1985/4) have described the massacre as an act of genocide and have imputed responsibility to the state of Israel. Moreover, genocide and ethnic cleansing are included as issues under consideration during the UN's third decade to combat racism.

Palestinian and Arab NGOs responded by emphasizing that the references to genocide "do not impute genocidal intent to all Jews or all Jewish Israelis. No individual or State should

enjoy impunity for their crimes - references to "acts of genocide" are an accurate reflection of specific historical incidents on the basis of the Genocide Convention of 1948." Moreover, they strongly condemned all acts of anti-semitism and anti-Jewish discrimination, while emphasizing that criticism of Israel's violations of international human rights and humanitarian law or racist practices committed in the name of Zionism is not anti-Semitic or anti-Jewish.

While the complete text of the government declaration and program of action have yet to be released, excerpts suggest that, unlike the NGO Declaration and Program of Action, many of the voices of the victims of racism have been severely drowned out by the political discourse that dominated the government sessions. Some Israeli officials have claimed that the government conference was a success due to the absence of any specific reference to Israel in the government declaration and program of action. Israel's reputed "success", however, is symbolic of the failure of governments to recognize the specific voices and demands of the victims of racism and racial discrimination. While the government document should not be dismissed out of hand, it must be read clearly within the context established by the NGO document.

Concerning Palestinians, the government declaration contains little if anything "appropriate to a conference on racism and racial discrimination" in the words of the High Commissioner. While the document expresses "concern" about the "plight of the Palestinian people under foreign occupation" and recognizes the right to self-determination as well as the right of refugees to return to their homes and properties and concludes with a general statement of support for the "peace process," it does not, unlike the 1978 and 1983 government declarations, include express reference to racist practices and racial discrimination suffered by Palestinians. It is not only weaker than the NGO document, but is also much weaker than the previous government documents.

In this context, the message sent by the government conference to Palestinian victims of racism and racial discrimination is clear. When Palestinians argue that Israel's occupation includes racist practices and that they have a right to resist discrimination and struggle for self-determination; when Palestinians inside Israel claim that they suffer ongoing discrimination related to social, economic, cultural, political and civil rights; when Palestinian refugees call for the repeal of discriminatory Israeli legislation in order to return to their homes and properties and live in freedom and equality, it is viewed as "harsh language" and not only anti-Israel but also anti-Jewish and anti-semitic. Moreover, certain terms, such as genocide and ethnic cleansing - not to mention racial discrimination - are forbidden even if they are used within clearly defined legal contexts. This attempt to silence the voice of one group of victims of racism is a danger to all victims of racism.

Conclusion

In the absence of a government document, which reflects the experiences of the victims of racism, clearly identifies racist practices and racial discrimination, and which names the perpetrators of these acts, the NGO document is the only benchmark for an inclusive, non-discriminatory program of action to eliminate racism and racial discrimination. "We came here in peace in the hope to be understood so that the gates of the rich and powerful would be opened to the poor," stated the Organization for the Solidarity of the Peoples of Asia, Africa, and Latin America before the government representatives. "Unless those doors are opened, the people will have to open them themselves."

The challenge for NGOs around the world will be to find creative and effective methods to use the document and the network established at the NGO forum as a springboard for a global solidarity movement to fight racism and racial discrimination. Given the resistance by certain governments to address historical and contemporary forms of racism and racial discrimination, and attempts by the Office of the UN High Commissioner for Human Rights to discredit parts of the NGO declaration, the unity and solidarity exemplified by the victims of racism in Durban will be critical to the success of any global solidarity movement.

For Palestinians, the anti-apartheid campaign against Israel launched by the Palestine Solidarity Committee in South Africa already serves as a foundation for such a movement. The challenge of Durban will be to build a solidarity movement that is open to all, based on the common principles set forth in international law and UN resolutions; a movement where all members can benefit from the particularities of each other's experiences. Palestinians should not be deterred by the criticism from some Israeli quarters, which have mocked Palestinian NGOs for "joining the camp of the backward people of the world" in Durban.

Given the failure of certain governments and the UN to engage in meaningful analysis and discussion concerning racist practices and racial discrimination committed by Israel, and the racist attacks against Palestinians, Arabs and Muslims in the aftermath of the terror attacks on the US in September, sustained efforts will be required to educate and communicate different communities about Israel's brand of apartheid, which Palestinians have characterized as an ongoing *Nakba*. This will, necessarily, include the Jewish public inside Israel and abroad. Moreover, in order to build an effective solidarity movement, Palestinians themselves will need to undergo a process of self-education about the struggles and common experiences of other victims of racism. Palestinians should use the sometimes-obsessive media coverage directed towards them as a platform to also raise issues of common concern to other victims of racism and racial discrimination. Concerted efforts will also be needed to explain to the international community that criticism of Israeli policies and practices within the framework of international law and UN resolutions does not amount to anti-semitism or anti-Jewish discrimination.

For Palestinian refugees, solidarity with other refugees, such as those from Bhutan and Bosnia, who are also struggling to return to their homes and properties, in the face of a host of political and legal obstacles, harbors considerable potential to advance the principles of the right of return, restitution, and compensation, and to realize these rights. Efforts should be made to establish a solidarity network with other grassroots refugee movements. This kind of a solidarity movement could include collective analysis of common problems, analysis of legal, political, and media strategies, common lobbying efforts with relevant state parties and in the UN system, and even joint activities. Education efforts should focus not only on the discriminatory aspects of Israeli policies and laws, which prevent Palestinian refugees from exercising their rights, but also on Israeli public opinion to convey that the realization of refugee rights is not a means to discriminate against Israeli Jews, but rather, a struggle to live together on the basis of the principles of freedom, equality, and justice, as set forth in the UN Charter and in international law.

For documents from the World Conference Against Racism, see the [WCAR page](#) and related links.