

Durban, the Human Rights Community, and the Middle East

Aug 16, 2001



Brief Analysis

The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is to begin in Durban, South Africa on August 31, 2001. It follows the trend of increased concern for human rights over the last several years, seen in new approaches to international humanitarian law. This trend has witnessed the establishment of war crimes tribunals for the conflict in the former Yugoslavia and the massacres in Africa, the criminal trial of Gen. Augusto Pinochet, and the likely establishment within the next year of the International Criminal Court. In a similar vein, the Durban Conference promises to heighten awareness of human rights and the duty of the global community to act on human rights issues.

The Draft Declaration

The draft declaration prepared for the World Conference includes objectionable language, much of it proposed by the Asian Regional Meeting held in Tehran. The draft includes suggestions for condemning Israel on many grounds:

- Occupation and settlements. Israel is accused of perpetrating a new form of apartheid upon the Palestinians.
- Apartheid. Israeli domestic law is said to institutionalize separate classes of citizenship for its population.
- Meta-human rights violations. Israel's violations are described as so egregious that they represent a threat to international peace.
- Crimes against humanity. Israeli treatment of the Palestinians is said to constitute crimes of this magnitude.
- Ethnic cleansing. Israel's 1948 War of Independence is described as a case of ethnic cleansing in which the Jews attempted to remove the Arab population from British Mandatory Palestine.
- Crimes on the order of the Holocaust. Israel's treatment of Palestinians is equated with the genocide against Jews during World War II. The draft also contains language referring to multiple "holocausts."
- Zionism is racism. Zionism is pronounced as being "against Semitism"-that is, the Semitic Arabs-and therefore declared (once again) to be a form of racism.

These rubrics invert the symbols and metaphors of Israel and Judaism to equate Israel's actions with gross human rights violations. Many of the accusations are openly racist. Given that language about apartheid is appropriated in the conference's draft declaration and that the conference will be held in South Africa, these accusations resonate strongly within the global human rights community.

Israel must be held accountable to international human rights standards and cannot be considered above the law. The World Conference, however, is not the right forum for a discussion of Israel specifically. There are other forums within the UN that address the human rights records of particular countries in detail. The guidelines for the World Conference indicate that it will consider global issues and problems, not analyze the actions of any specific state. This has also been the practice at other world conferences.

Furthermore, it is troubling to see that Israel is the only country singled out for criticism in the draft declaration.

Human rights law must be applied equally to all.

Why Now?

Over the last few years, two developments have emerged with regard to the Israel-UN relationship. On the one hand, Israel has been reinstated into the international community. On the other hand, Israel has been repeatedly singled out in the UN through a series of resolutions coming against the backdrop of the current intifada. Singling out only one country constitutes a systematic denial of due process under international law, and it must stop. In the past, such indictments would have had little force, but the singling out of Israel occurs at a time when the UN is taking on a more active and respected role in combating crimes against humanity. This makes the blatantly racist and irregular statements in the Tehran Asian Regional Conference draft particularly disturbing.

An additional problem is the lack of engagement by Israeli and Jewish non-governmental organizations (NGOs) in the human rights culture, a culture that these NGOs sometimes view as anti-Israel and pro-Palestinian. When indictments of Israel were passed around the global human rights community during the last year, there were no proponents of Israel available to stymie the condemnations in their early stages. The situation has now progressed to the point at which the United States has threatened to boycott the conference. Had Israel and its friends been more active at an earlier stage, they might well have been able to avoid such a confrontation.

Participate or Boycott?

The wording of the draft declaration contains racist statements masquerading as concern for human rights. If these statements make it into the final resolution, they would undermine the struggle for human rights and would grievously hurt the conference, if not the UN as a whole. Indeed, the perception and role of the UN as an arbiter of human rights would be eroded.

The draft declaration also adversely affects the Middle East peace process by encouraging those who question the legitimacy of the State of Israel and by leading many Israelis to doubt the legitimacy of the UN and of international human rights law. Furthermore, the language of the draft declaration encourages the view that Israel cannot receive fair treatment under international law.

U.S. participation is essential for the success of the conference, but if the draft declaration remains in its present form, then the conference will become a forum for racist private agendas; under these circumstances, the conference should be boycotted because its true purpose will have been defeated. If the language of the declaration is changed substantially, however, then the United States, Canada, and other democracies should attend the conference. In that context, they may attempt to reach agreements on the language of the declaration, so as to further the conference's other goals. Critical engagement-assuming a watered-down version of the draft declaration makes it into the final resolution-is preferable to withdrawal, which dooms the conference.

This Special Policy Forum Report was prepared by Ehud Waldoks.

Policy #552

RECOMMENDED

BRIEF ANALYSIS

[Unpacking the UAE F-35 Negotiations](#)

Feb 15, 2022

◆
Grant Rumley
(/policy-analysis/unpacking-uae-f-35-negotiations)



ARTICLES & TESTIMONY

[How to Make Russia Pay in Ukraine: Study Syria](#)

Feb 15, 2022

◆
Anna Borshchevskaya
(/policy-analysis/how-make-russia-pay-ukraine-study-syria)



BRIEF ANALYSIS

[Bennett's Bahrain Visit Further Invigorates Israel-Gulf Diplomacy](#)

Feb 14, 2022

◆
Simon Henderson
(/policy-analysis/bennetts-bahrain-visit-further-invigorates-israel-gulf-diplomacy)

REGIONS & COUNTRIES

[Israel \(/policy-analysis/israel\)](#)