



SHATTERING THE RED LINES: THE DURBAN II DRAFT DECLARATION

Updated Analysis of New Dec. 26, 2008 Draft

Summary

This report examines the new [draft Declaration](#) for the Durban II racism conference, released by the UN on 26 December 2008, measured according to the red lines established by the European Union for participation in the gathering to be held on April 20-24, 2009 in Geneva.

As stated by the European Union in its [19 September 2008 Statement](#) to the UN Human Rights Council, the EU red lines reject (1) singling out one region of the world in particular; (2) reopening the 2001 Durban declaration by inserting a prohibition against “defamation of religion,” designed to restrict free speech and impose the censorship of Islamic anti-blasphemy laws; (3) drawing up an order of priority among victims; and (4) politicizing or polarizing the discussion.

Each of these red lines is breached by the new draft, as detailed in the chart below. The dominant thesis of the draft Declaration, despite the modification of certain offensive provisions, remains that the U.S., Western Europe, Israel, and other liberal democracies—their principles, institutions, policies, respective histories and national identities—are singularly racist, and, in addition, discriminatory against Islam. Free speech, wealth, globalization, security measures to combat terrorism of the kind that targets innocents in Mumbai, Sderot, Baghdad and elsewhere—all of these are attacked, expressly or by implication, as causes of racism, discrimination, and the “defamation of Islam.”

Indeed, the new language seeking to distort human rights law for the purposes of Islamic censorship makes the Durban II draft even more regressive than the 2001 text. While there remain some positive proposals in the text, such as opposition to the persecution of gays (introduced by the European Union), these are almost certain to be eliminated under pressure from powerful U.N. voting blocs dominated by Iran, Saudi Arabia, Pakistan and like-minded member states.

Contrary to the new draft’s introductory claim that “Region-specific language was made general or deleted,” the draft focuses on one specific country—Israel—which it portrays as uniquely racist, using language lifted verbatim from the notorious 2001 Tehran Declaration. The committee planning the Durban Review Conference and its outcome document is chaired by Libya, and counts Iran, Pakistan, and Cuba as vice-chairs.

French President Nicolas Sarkozy, speaking last year in advance of his country’s presidency of the EU, pledged “unambiguously” to withdraw France and the EU from the Durban II process if the 2001 excesses repeated themselves and the EU’s concerns were ignored. The EU, now under presidency of the Czech Republic, has yet to react to the new Durban II draft, which will be presented at the upcoming Geneva prep session on January 19-23, 2009.

Pledges by European Union Governments

FRENCH PRESIDENT NICOLAS SARKOZY:

“You have spoken about the Durban conference. I will tell you: The Durban conference in 2001 led to intolerable excesses from certain states and numerous NGOs that turned the conference into a forum against Israel. No one has forgotten. A follow-up conference is planned for 2009. Mr. President [of the CRIF], you asked me a question. I will answer very frankly. **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.**

Source: [Nicolas Sarkozy au diner annuel du crif](#), February 13, 2008.

U.K. MINISTER FOR EUROPE JIM MURPHY:

“There should be no repeat of the disgraceful anti-Semitism that blighted events surrounding the 2001 world conference against racism... **[We] will play no part in an international conference that exhibits the degree of anti-Semitism that was disgracefully on view on the previous occasion...** If it gets to a point that we come to the view that the conference cannot be a success, the option of withdrawal from the conference remains available to us.”

Source: [Parliamentary debates](#), May 13, 2008.

NETHERLANDS FOREIGN MINISTER MAXIME VERHAGEN:

“*Report from Radio Netherlands, May 18, 2008:* **The Netherlands will not accept it if there are any attempts to call Israel a racist state at a UN conference** in the South African city of Durban next year, said Foreign Minister Maxime Verhagen. He said that the Netherlands was involved in the organization of the new Durban conference and would not hesitate to withdraw if there is a similar negative spiral of events.

Source: [Radio Netherlands](#), May 18, 2008.

DANISH FOREIGN MINISTER PER STIG MØLLER:

“**If the OIC (Organization of the Islamic Conference) pushes through this draft resolution, they shall not expect European or Western countries to be present at the table...** we cannot accept that religion be conflated with racism.

Source: “Danish foreign minister threatens Western boycott of Durban II,” [Europe News](#), citing [Jyllands-Posten](#), October 28 2008.



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Emphasis added.

Breach of EU Red Line	Text from Durban II Draft Declaration	Analysis
“Defamation of Religion” (Reopening 2001 Declaration)	Notes that other obstacles hampering progress in the collective struggle against racism and racial discrimination include weak legislation and policies, lack of effective strategies, lack of implementation of international legal framework and commitments, impunity on different grounds – including freedom of expression, counter-terrorism, and national security – as well as an increase in extreme right wing xenophobic political platforms. (Art. 5)	<p>Criticizes freedom of speech, counter-terrorism and national security as “obstacles hampering progress” in struggle against racism.</p> <p>Reference to terrorism omits mention of racism and xenophobic hatred that continues to fuel Islamist terrorist attacks against Westerners, Hindus, Jews, and other “infidels”, in New York, Mumbai, Sderot, and around the world.</p>
“Defamation of Religion” (Reopening 2001 Declaration)	Notes with concern instances of defamation of religions , which manifests itself in generalized and stereotypical association of religions, in particular Islam , with violence and terrorism, thus impacting negatively on the rights of individuals belonging to these religions, including Muslim minorities , and exposing them to hatred and discrimination. Such situations are further aggravated by the imposition of restrictions on the profession of religions, including restrictions on the construction of places of worship and their surveillance. (Art. 26)	<p>Alleges “defamation of religions,” a non-existent and anomalous concept under international human rights law, which protects individuals, not beliefs.</p> <p>Attempt to grant UN legitimacy to Islamic anti-blasphemy provisions.</p>

Breach of EU Red Line	Text from Durban II Draft Declaration	Analysis
<p>“Defamation of Religion” (Reopening 2001 Declaration)</p>	<p>Acknowledges that a most disturbing phenomenon is the intellectual and ideological validation of Islamophobia. When it is expressed against migrants it takes the form of religious-ethnic or religious-racial tones, when it is expressed in the form of defamation of religions, it takes cover behind the freedom of expression and when it is expressed in the form of profiling, it hides behind the war against terrorism. Believes that association of terrorism and violence with Islam or any other religion, including through publication of offensive caricatures and making of hate documentaries, would purposely complicate our common endeavours to address several contemporary issues, including the fight against terrorism and the occupation of foreign territories and peoples. (Art. 53)</p>	<p>Attacks freedom of expression. Reference to Danish cartoons controversy.</p> <p>Attempt to grant UN legitimacy to Islamic anti-blasphemy provisions.</p> <p>Argues that Muslims and Islam are victims and targets of Western racism.</p>
<p>“Defamation of Religion” (Reopening 2001 Declaration)</p>	<p>Urges States to take effective measures to address contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and to take firm action against negative stereotyping of religions and defamation of religious personalities, holy books, scriptures and symbols. (Art. 159)</p>	<p>Reference to Danish cartoons controversy. Attempt to grant UN legitimacy to Islamic anti-blasphemy provisions.</p>

Breach of EU Red Line	Text from Durban II Draft Declaration	Analysis
“Defamation of Religion” (Reopening 2001 Declaration)	Urges the Ad Hoc Committee on the Elaboration of Complementary Standards to continue working with a view to elaborate, as a matter of priority and necessity, complementary standards in the form of either a convention or additional protocol(s) to the International Convention on the Elimination of All Forms of Racial Discrimination, filling the existing gaps in the Convention and providing new normative standards aimed at combating all forms of contemporary racism, including incitement to racial and religious hatred. (Art. 220)	Endorses Algerian-chaired UN committee that, over the objections of human rights experts and liberal democracies, is seeking to rewrite an international human rights treaty with so-called “complementary standards” that will prohibit “defamation of religions.”
“Defamation of Religion” (Reopening 2001 Declaration)	Stipulates that national laws alone cannot deal with the issue of defamation or negative stereotyping of religions . A framework is needed to provide guidelines for States – aimed at countering defamation of religions . (Art. 216)	Attempt to grant UN legitimacy to Islamic anti-blasphemy provisions.
“Defamation of Religion” (Reopening 2001 Declaration)	Welcomes the roadmap agreed by the Ad Hoc Committee on the elaboration of complementary standards at its first session and encourages Member States to submit in a timely manner their contributions as outlined in the roadmap with a view to achieving full implementation of paragraph 199 of the Durban Programme of Action. (Art. 117)	Endorses Algerian-chaired UN committee that, over the objections of human rights experts and liberal democracies, is seeking to rewrite an international human rights treaty in order to prohibit “defamation of religions.”
Censorship (Reopening 2001 Declaration)	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. (Art. 160)	Calls for new laws to restrict free speech.

Breach of EU Red Line	Text from Durban II Draft Declaration	Analysis
Politicization	Alarmed at the intellectual and political resistance to multiculturalism , which is one of the root-causes of the resurgence of racist and xenophobic violence , reiterates that rejection of diversity has led to the negation of the very humanity of the immigrant, foreigner and other racial and religious minorities. (Art. 8)	Describes legitimate alternatives to multiculturalism (e.g., integration) as root cause of “racist violence.”
Politicization	Notes that one of the principal reasons fomenting the tide of racism is the growing increase in the right wing extremist political discourse, including in some of the most liberal and pluralistic societies . This trend has led to the deepening of the racist tendencies in those societies through propaganda against immigrants and promotion of cultural and religious superiority doctrines. Immunity granted to such acts has led to denial of basic human rights to the affected communities including their right to freely practice and preserve their religious and cultural identities. (Art. 10)	Implies that free societies are particularly guilty of racism and religious intolerance. Advocates censorship in Western democracies. Ignores extremist incitement by radical Islamic, left-wing and other groups.
Politicization	Affirms that failure to fully implement the DDPA [2001 Durban Declaration and Program of Action] would result in the intensification of worrying racist and xenophobic trends, including the political instrumentalization and intellectual legitimization of racism as well as racist violence. (Art. 3)	Portrays Libyan-led, anti-Western conference as necessary to combat racism.

Breach of EU Red Line	Text from Durban II Draft Declaration	Analysis
Politicization (Anti-Western)	Requests the Human Rights Council to organize a seminar or panel discussion on all aspects of the transatlantic slave trade provisions of the Durban Declaration and Programme of Action and General Assembly resolutions 61/19 and 62/122, taking into consideration African Union initiatives on this issue. (Art. 226)	While the historic evils of slavery in Africa and elsewhere deserve our attention, an exclusive focus on the transatlantic slave trade is selective and politicized, ignoring the massive Arab slave trade that took 9 to 14 million blacks from eastern Africa and enslaved them in the Arab world. (“ Quick Guide: The Slave Trade , BBC, March 15, 2007.)
Politicization (Anti-Western)	Urges States that have not yet condemned, apologized and paid reparations for the grave and massive violations as well as the massive human suffering caused by slavery, the slave trade, the transatlantic slave trade , apartheid, colonialism and genocide, to do so at the earliest. (Art. 156)	Focus on transatlantic slave trade is selective and politicized, ignoring the massive Arab slave trade that took 9 to 14 million blacks from eastern Africa and enslaved them in the Arab world. (“ Quick Guide: The Slave Trade , BBC, March 15, 2007.)
Politicization (Delegitimizing Counter-Terrorism)	Draws attention to the impact of counter-terrorism measures on the rise of racism , racial discrimination, xenophobia and related intolerance, including the practice of racial, ethnic, national and religious profiling. (Art. 22)	Treats efforts against terrorism as essentially racist. Omits mention of xenophobic and racist ideologies of hate that fueled murderous terrorist attacks in Mumbai, New York, and Sderot.
Politicization (Delegitimizing Counter-Terrorism)	Calls on States to ensure that any measures taken in the fight against terrorism do not discriminate, in purpose or effect, on the grounds of race, colour, descent, national or ethnic origin, nor on the grounds of culture, religion, belief, names, appearance or language, and to ensure that non-citizens are not subjected to racial or ethnic profiling or stereotyping. (Art. 158)	Misuses legitimate issue of profiling to portray counter-terrorism as essentially racist. Refers to racism and counter-terrorism without mentioning xenophobic and racist ideologies of hate that fueled murderous terrorist attacks in Mumbai, New York, and Sderot.

Breach of EU Red Line	Text from Durban II Draft Declaration	Analysis
Singling Out Countries (Israel)	Expresses deep concern at the practices of racial discrimination against the Palestinian people as well as other inhabitants of the Arab occupied territories which have an impact on all aspects of their daily existence and prevent the enjoyment of fundamental rights, and renews the call for the cessation of all such practices. (Art. 30)	Accuses Israel of racism, violating EU red line against singling-out specific countries or regions. Language copied from Article 21 of hateful Tehran submission to original 2001 Durban conference. Reappeared in 2008 under Article 68 of 2008 Iranian-influenced Asian submission.
Singling Out Countries (Israel)	Reiterates that the Palestinian people have the inalienable right to self determination and that, in order to consolidate the occupation, they have been subjected to unlawful collective punishment, torture, economic blockade, severe restriction of movement and arbitrary closure of their territories. Also notes that illegal settlements continue to be built in the occupied territories. (Art. 31)	Violates EU red line on singling-out specific countries or regions. This and related provisions, which allege various Israeli crimes, come under Durban II draft's section on "Sources, causes, forms, and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance."
Singling Out Countries (Israel)	Reaffirms that a foreign occupation founded on settlements, laws based on racial discrimination with the aim of continuing domination of the occupied territory, as well as the practice of reinforcing a total military blockade, isolating towns, villages and cities from one another, contradicts the purposes and principles of the Charter of the United Nations. (Art. 32)	Thinly veiled vilification of Israel constitutes violated EU red line against singling out countries. Language copied from Article 20 of hateful Tehran submission to original 2001 Durban conference. Reappeared in 2008 under Article 19 of Iranian-influenced Asian submission.

Breach of EU Red Line	Text from Durban II Draft Declaration	Analysis
Singling Out Countries (Israel)	Reiterates deep concern about the plight of the Palestinian people under foreign occupation , including refugees and displaced persons, and urges respect for international human rights law, international refugee law and international humanitarian law, and calls for a just, comprehensive and lasting peace in the region. (Art. 33)	Violates EU red line against singling out countries. No other specific country or regional situation is mentioned in entire 38-page draft.
Singling Out Countries (Israel)	Reemphasizes the responsibility of the international community to provide international protection, in particular from racism, racial discrimination, xenophobia and related intolerance, for civilian populations under occupation in conformity with international human rights law and international humanitarian law. (Art. 34)	Placed under section targeting Israel, this provision violates EU red line against singling out countries. Language taken from Article 34 of hateful Tehran submission to original 2001 Durban conference. Reappeared in 2008 under Article 27 of Iranian-influenced Asian submission.