

15 October 2020

**Submission of NGO Monitor to the Intergovernmental Working Group
on the Effective Implementation of the Durban Declaration
and Programme of Action**

NGO Monitor,¹ a project of the Institute for NGO Research, an NGO in special consultative status with ECOSOC since 2013, respectfully submits the following information to the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action (“Working Group”) for marking the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action.

NGO Monitor was founded in 2002 in response to the UN World Conference Against Racism (“Durban Conference”). The antisemitism and demonization of Israel on full display at the Durban Conference’s regional preparatory events, State proceedings, and NGO Forum exposed the need for an independent mechanism to assess, scrutinize, and report on the funding and activities of NGOs. Since Durban, NGO Monitor has published hundreds of research studies and articles on the issues of the NGO-UN relationship, NGO funding, human rights, international humanitarian law, and antisemitism.² For twenty years, our work has been focused on the mission of ensuring that the exploitation of international law and human rights, as well as the antisemitic hatred seen at Durban, will not be repeated.

The Durban Conference Against Racism Becomes an Instrument of Racism

As the Intergovernmental Working Group is aware, the first Durban conference became an instrument for racism itself, particularly directed against Jews and Israel.³ This agenda was driven by Iran and a number of Arab states – using the pre-conference Asian Regional Session to condemn Israel for “holocausts” and “antisemitism” – and primarily by the participants in the virulent NGO Forum. The proceedings were characterized by antisemitic incitement, Holocaust revisionism and denial, and exclusion of Jews from events. The final declaration of the NGO Forum revived the antisemitic “Zionism is racism” canard. The

¹ Members of the Institute’s Advisory Board include Elliott Abrams, Senior Fellow for Middle Eastern Studies at the Council on Foreign Relations; former Canadian Ambassador to Israel, Amb. Vivian Bercovici; Amb. John Bolton, US National Security Advisor and former US Permanent Representative to the UN; Hon. Michael Danby, MP, senior member of the Australian Labor Party; Harvard Professor Prof. Alan Dershowitz; Canadian Senator, Hon. Linda Frum; best-selling author and commentator and British journalist and international affairs commentator, Tom Gross; Colonel Richard Kemp, former commander of British forces in Iraq and Afghanistan; Douglas Murray, Director of the Centre for Social Cohesion, best-selling author and commentator; former Member of Italian Parliament, Hon. Fiamma Nirenstein, UCLA Professor and President of the Daniel Pearl Foundation, Prof. Judea Pearl; US Jurist and former Legal Advisor to the State Department Judge Abraham Sofaer; Dr. Einat Wilf, former member of Knesset with the Israel Labor Party and advisor to Shimon Peres; Harvard Professor Prof. Ruth Wisse; R. James Woolsey, former US Director of Central Intelligence; and Israeli Supreme Court Justice, Justice Elyakim Rubinstein.

² See our website www.ngo-monitor.org

³ https://www.ngo-monitor.org/reports/ngo_forum_at_durban_conference_/#%C2%A0%C2%A0%C2%A0%C2%A0durbanessentials:

events were so offensive that the US and Israeli government delegations walked out of the conference.

Durban II

The events in 2001 caused several countries, including the US, Canada, the Netherlands, Italy, and Germany, to boycott the 2009 Durban Follow-up Conference (“Durban II”). These countries decided that the Durban process could not be salvaged and universal human rights principles should not be compromised for political expediency. In addition, there was no official NGO Forum.

Nevertheless, despite the sincere efforts of some UN officials to prevent it, virulent antisemitism was also on display at Durban II.⁴ In particular, the conference organizers gave Iranian President Mahmoud Ahmadinejad a central platform from which to promote antisemitic rhetoric and conspiracy theories.

When Ahmadinejad began his statements, the delegations of the European Union countries and a number of Jewish NGOs walked out of the plenary hall. The Czech Republic joined the list of countries that withdrew from the conference entirely. Afterward, UN Secretary General Ban Ki Moon and High Commissioner for Human Rights Navi Pillay repudiated the Iranian leader’s remarks,⁵ but the damage to the UN was already done.

Twentieth Anniversary Commemorations

The record of the UN Durban process has been one of failure and damage to both universal human rights and the reputation and credibility of the United Nations. NGO Monitor, therefore, was concerned to read, in the 13 July 2020 report⁶ of the Working Group, that the UN is seeking to hold a new series of events to be held in both New York and Geneva, and to include an NGO component (“civil society representatives and other stakeholders should be invited to organize various initiatives, with high visibility”).

Setting aside the uncertainties of the Covid-19 pandemic and insufficient funding, NGO Monitor recommends that the UN should not host such events. If it decides to move forward, there should be no official NGO Forum. Moreover, any program that is adopted must include a section devoted to combatting antisemitism – “the oldest hatred.” To that end, we recommend consultations take place with the UN Special Rapporteur on freedom of religion or belief, Ahmed Shaheed. Jewish organizations must also be part of the planning process. In addition, we recommend that the International Holocaust Remembrance Alliance’s (IHRA) working definitions on Antisemitism and Holocaust Denialism and Distortion be adopted by

⁴ Human Rights Watch (HRW) condemned these countries for “undermining” the conference. HRW also claimed (without credibility) that there was “no justification for the decision,” and pressed for “engagement.” Prior to Ahmadinejad’s speech, international NGOs (the very same NGOs that enabled the travesty of 2001, including HRW, Amnesty International, and others) did not protest the giving the Iranian leader a platform, despite his Holocaust denial and Iran’s dismal human rights record. This lobbying helped legitimize Ahmadinejad’s absurd presence at a conference against racism.

⁵ <http://www.nytimes.com/2009/04/21/world/21geneva.html?hp>

⁶ A/HRC/45/483

the Working Group and used as guidelines for any planned events and public information materials, including the preparatory process.

Conclusion

The Working Group's report states that the Durban Declaration and Programme of Action "continued to be reaffirmed and recognized within the United Nations as a comprehensive framework and solid foundation for combating racism, racial discrimination, xenophobia and related intolerance. As such, the twentieth anniversary of the adoption of that historic instrument needed be celebrated and light needed be shed on it." The Durban process provides neither a comprehensive framework, nor solid foundation for combating racism, racial discrimination, xenophobia and related intolerance. It should not be celebrated, nor does more light need be shed on it.

The 2001 Durban Conference is a stain on the history of the United Nations. Rather than commemorate its failures, it is time for the UN to close this tragic chapter in its history.

Recommendations:

The UN should refrain from holding any commemorative events of the 2001 Durban Declaration.

If the UN is determined to move forward, there should be no official NGO Forum included as part of any events.

If any events are scheduled, a special session devoted to combatting antisemitism should be added to the program. This component should be developed with Special Rapporteur on freedom of religion or belief Ahmed Shaheed and representatives of the Jewish community such as B'nai B'rith, the World Jewish Congress, and the Anti-Defamation League.

The Working Group should adopt the International Holocaust Remembrance Alliance's (IHRA) working definitions on Antisemitism and Holocaust Denialism and Distortion. They should be used to guide any planned events and public information materials, including the preparatory process.