

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. RES. 1361

Expressing the sense of the House of Representatives that the United States should lead a high-level diplomatic effort to defeat the campaign by some members of the Organization of the Islamic Conference to divert the United Nation's Durban Review Conference from a review of problems in their own and other countries by attacking Israel, promoting anti-Semitism, and undermining the Universal Charter of Human Rights and to ensure that the Durban Review Conference serves as a forum to review commitments to combat all forms of racism.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2008

Mr. BERMAN (for himself, Ms. ROS-LEHTINEN, Mr. HASTINGS of Florida, Ms. WATERS, and Mr. SCOTT of Georgia) submitted the following resolution; which was referred to the Committee on Foreign Affairs

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## RESOLUTION

Expressing the sense of the House of Representatives that the United States should lead a high-level diplomatic effort to defeat the campaign by some members of the Organization of the Islamic Conference to divert the United Nation's Durban Review Conference from a review of problems in their own and other countries by attacking Israel, promoting anti-Semitism, and undermining the Universal Charter of Human Rights and to ensure that the Durban Review Conference serves as a forum to review commitments to combat all forms of racism.

Whereas the United Nations is undertaking preparations for a 2009 Durban Review Conference on the implementation of commitments made as part of the 2001 World Conference Against Racism in Durban, South Africa;

Whereas the 2001 World Conference Against Racism marked an important recognition of the historic wounds caused by slavery, colonialism, and related ongoing racism and racial discrimination, including the recognition of the transatlantic slave trade as a crime against humanity, and that people of African descent, people of Asian descent, and indigenous peoples who were victims of these acts continue to face discrimination and marginalization as a direct consequence;

Whereas the 2001 World Conference Against Racism also undertook historical efforts to recognize and address ongoing racism and racial discrimination against persons of African descent, Jewish, Muslim, caste, indigenous, Roma and Sinti, and other communities, anti-migrant xenophobia, and incitement to racial and religious hatred;

Whereas the 2001 World Conference Against Racism and its achievements were overshadowed and diminished as some participants in the conference, in particular during the Non-Governmental Organization Forum, called the “NGO Forum Against Racism” (NGO Forum), misused human rights language to promote hate, anti-Semitism, incitement, and divert the focus of the conference from problems within their own countries to a focus on Israel, leading the conference to be discredited;

Whereas the NGO Forum produced a document called the “NGO Declaration” that contained abusive language branding Israel an “apartheid state” that is guilty of “racist crimes against humanity”;

Whereas the United States withdrew its delegation from the 2001 World Conference on Racism, a decision that Secretary of State Colin Powell explained by stating that “you do not combat racism by conferences that produce declarations containing hateful language, some of which is a throwback to the days of ‘Zionism equals racism’; or 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”;

Whereas the atmosphere of anti-Semitism at the NGO Forum was dubbed as “hateful, even racist” by former High Commissioner for Human Rights Mary Robinson and as “disgraceful” by Deputy Foreign Minister Aziz Pahad of South Africa, who also affirmed that parts of the 2001 World Conference Against Racism were “hijacked and used by some with an anti-Israeli agenda to turn it into an anti-Semitic event”;

Whereas the United Nations High Commissioner for Human Rights, who served as Secretary General of the 2001 World Conference Against Racism, refused to accept the NGO Declaration, and some leading civil and human rights organizations and activists criticized the repugnant anti-Semitism and demonization of Israel in the NGO Forum, and the harassment of Jewish participants it fomented;

Whereas despite recognizing the Holocaust and increased anti-Semitism, the official government declaration adopted by the 2001 World Conference Against Racism, the “Durban Declaration and Plan of Action”, highlighted the “plight of the Palestinian people under foreign occupation”, and in so doing singled out one regional conflict

for discussion in a biased way, and wrongly branded Israel's treatment of Palestinians as racist;

Whereas, at the first organizing session of the planned 2009 Durban Review Conference on August 27, 2007, in Geneva, Switzerland, Ambassador Masood Khan of Pakistan, speaking "on behalf of the OIC", described the concerns being expressed about the Durban Review Conference as a "smear campaign", and made it clear that the Organization of the Islamic Conference's (OIC) intention is to make so-called new forms of racism a centerpiece of the conference agenda, urging also that "[t]he Conference should move the spotlight on the continued plight of Palestinian people and non-recognition of their inalienable right to self-determination";

Whereas many OIC member states have already made clear their determination to go beyond the comprehensive list of items covered by the Durban Declaration and Plan of Action to force consideration by the 2009 Durban Review Conference of a global blasphemy code that would legitimize arbitrary restrictions of religious freedom, freedom of conscience, and the freedom of expression and opinion in the name of protecting religions from "defamation" and "blasphemy";

Whereas the Human Rights Council agreed in Resolution 3/2 on December 8, 2006, that the 2009 Durban Review Conference would, like other United Nations review conferences, focus on countries' implementation of the many commitments to fight racism and discrimination already affirmed in the official governmental Durban Declaration and Plan of Action and that there will be "no renegotiation of the existing agreements contained therein";

Whereas, following the August 27, 2007, 2009 Durban Review Conference preparatory meeting in Geneva, Switzerland, countries, including the United States, France, and Israel, have stated that, unless the direction of the Conference is refocused, the process will not be credible or worthy of support;

Whereas the High Commissioner for Human Rights was named Secretary-General of the 2009 Durban Review Conference;

Whereas, in advance of determining the modalities, format, duration, and venue of the 2009 Durban Review Conference, the OIC and G-77 member states requested the United Nations General Assembly to fund a \$7.2 million preparatory process of international, regional, and national meetings;

Whereas, on November 28, 2007, 45 United Nations Member States, including the United States, joined together in the Third Committee (Resolution A/C.3/62/L.65/Rev.) to vote against a resolution that contradicted the 2009 Durban Review Conference preparatory committee consensus agreements about the framework of the Durban Review Conference, its scope, and sources of funding;

Whereas, on December 21, 2007, 40 United Nations Member States, including the United States, joined together in the Fifth Committee (Resolution A/C.5/62/21) to vote against a resolution that authorized up to \$6.8 million to fund the 2009 Durban Review Conference preparatory process;

Whereas the United States has decided to withhold from its 2008 funding for the United Nations an amount equivalent to the United States share of the United Nations

Human Rights Council-administered preparatory process for the 2009 Durban Review Conference; and

Whereas, since the 2001 World Conference Against Racism, the need for a credible global forum to review United Nations Member States' efforts to combat racism remains urgent given the continuing scourge of racism and related violence, including discrimination against persons of African descent, Jewish, Muslim, caste, indigenous, Roma and Sinti, and other communities, anti-migrant xenophobia, and incitement to racial and religious hatred: Now, therefore, be it

1        *Resolved*, That the House of Representatives—

2            (1) acknowledges that the 2001 World Conference Against Racism marked an important recognition of the historic wounds caused by slavery, colonialism, and related ongoing racism and racial discrimination, including the recognition of the transatlantic slave trade as a crime against humanity, and that people of African descent, people of Asian descent, and indigenous peoples who were victims of these acts continue to face discrimination and marginalization as a direct consequence;

12            (2) notes that the Human Rights Council agreed in Resolution 3/2 on December 8, 2006, that the 2009 Durban Review Conference would like other United Nations review conferences, focus on countries' implementation of the many commitments to fight racism and discrimination already affirmed

1 in the official government Durban Declaration and  
2 Plan of Action and that there will be “no renegoti-  
3 ation of the existing agreements contained therein”;

4 (3) commends the Governments of the United  
5 States, France, Canada, Israel, the United Kingdom,  
6 and the Netherlands that have declared their inten-  
7 tions not to participate in any United Nations Dur-  
8 ban Review Conference that supplants a discussion  
9 of country commitments to combat contemporary  
10 forms of racism, racial discrimination, xenophobia,  
11 and related intolerance with a campaign that pro-  
12 motes hate, undermines human rights standards,  
13 and damages the credibility of the United Nations  
14 itself;

15 (4) calls on the President to urge other heads  
16 of state to condition participation in the 2009 Dur-  
17 ban Review Conference process on concrete action by  
18 the United Nations and United Nations Member  
19 States to ensure that it and they will reject any ef-  
20 fort to inject anti-Semitism, hatred, and discrimina-  
21 tion in all its forms onto the agenda of the Con-  
22 ference;

23 (5) calls on the Secretary of State to—

24 (A) initiate United States policy into ac-  
25 tion by calling on counterparts, especially Paki-

1 stan as the chair of the Organization of the Is-  
2 lamic Conference (OIC) and Egypt as the head  
3 of the African Group, to demand that they take  
4 prompt and effective measures to avert what  
5 French President Nicolas Sarkozy described as  
6 “a repeat of the digression and extremes of  
7 2001”; and

8 (B) demarche foreign capitals raising the  
9 concerns of Congress and to report to Congress  
10 on what steps the United States and its allies  
11 have taken to address these concerns;

12 (6) commends the countries that joined the  
13 United States, including the member states of the  
14 European Union, Albania, Andorra, Australia, Bos-  
15 nia, Herzegovina, Croatia, Georgia, Israel, Moldova,  
16 Monaco, Montenegro, San Marino, Serbia, the  
17 former Yugoslav Republic of Macedonia, Ukraine,  
18 Canada, and the Republic of Korea, to vote to up-  
19 hold earlier United Nations consensus agreements to  
20 limit the scope and funding of the 2009 Durban Re-  
21 view Conference process;

22 (7) urges those countries and all United Na-  
23 tions Member States to condition any further sup-  
24 port for the 2009 Durban Review Conference proc-  
25 ess on the adherence to established human rights



1 standards and on the rejection of an agenda that in-  
2 cites hatred against any group in the guise of criti-  
3 cism of a particular government or that seeks to  
4 forge a global blasphemy code;

5 (8) reaffirms its abiding commitment to the  
6 cause of combating continuing racism, racial dis-  
7 crimination, xenophobia, and related intolerance in  
8 all its forms including religious intolerance;

9 (9) urges all states to secure just treatment and  
10 the realization of fundamental human rights for all  
11 as enshrined in international human rights instru-  
12 ments, in particular the Universal Declaration of  
13 Human Rights, the International Convention on the  
14 Elimination of Racial Discrimination, and the Inter-  
15 national Covenant on Civil and Political Rights;

16 (10) commends the diverse civil society organi-  
17 zations that have joined together to learn from the  
18 shortcomings of the 2001 World Conference Against  
19 Racism, and to work together in a spirit of solidarity  
20 and mutual respect toward a 2009 Durban Review  
21 Conference that rejects hatred in all its forms;

22 (11) reaffirms that religious freedom is best  
23 preserved through protection of religious exercise by  
24 individuals of all faiths, without restricting the right

1 of individuals of all faiths to express their beliefs  
2 and consciences;

3 (12) recognizes the purposeful attempts of some  
4 countries to use inflammatory language and divisive  
5 tactics to divert the 2009 Durban Review Con-  
6 ference from the important goal of eradicating global  
7 racism in order to foment anti-Semitism, renegotiate  
8 commitments made at the 2001 World Conference  
9 Against Racism, and prevent a focus on the lack of  
10 political will to address the ongoing impact of racism  
11 in their own countries and communities;

12 (13) calls on United Nations Secretary General  
13 Ban Ki-Moon to publicly urge the Human Rights  
14 Council to adhere to its mandate and to the high re-  
15 sponsibility and expectations placed on it, and asks  
16 him to personally intervene to refocus the 2009 Dur-  
17 ban Review Conference efforts on an actual review  
18 of what United Nations Member States have done to  
19 fulfill their commitments to combat racial discrimi-  
20 nation and other intolerance, and on concrete action  
21 to fight racism, anti-Semitism, and all forms of ha-  
22 tred; and

23 (14) calls on the High Commissioner for  
24 Human Rights to urge United Nations Member  
25 States to adhere to the agreed framework of the

1 2009 Durban Review Conference and its previously  
2 agreed upon goals and parameters and to urge  
3 Member States of the preparatory committee to re-  
4 turn to decisionmaking by consensus.

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