

111TH CONGRESS
1ST SESSION

H. RES. 42

Calling on the President and the Secretary of State to withhold United States funding for and participation in the Durban Review Conference and its preparatory activities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2009

Ms. ROS-LEHTINEN (for herself, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. ROHRABACHER, Mr. ROYCE, Mr. MANZULLO, Mr. WILSON of South Carolina, Mr. POE of Texas, Mr. BILIRAKIS, and Mr. GARRETT of New Jersey) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Calling on the President and the Secretary of State to withhold United States funding for and participation in the Durban Review Conference and its preparatory activities, and for other purposes.

Whereas the United States is opposed to racism, racial discrimination, xenophobia, and related intolerance, and has long been a party to the Convention on the Elimination of Racial Discrimination;

Whereas expensive and politically skewed international conferences can disserve and undermine the worthy goals that they are ostensibly convened to support;

Whereas the goals of the 2001 United Nations World Conference Against Racism—held in Durban, South Africa and commonly referred to as the “Durban Conference”—were undermined by hateful, anti-Jewish rhetoric and anti-Israel political agendas, prompting both Israel and the United States to withdraw their delegations from the Conference;

Whereas during the preparations leading up to the World Conference Against Racism, United Nations High Commissioner for Human Rights Mary Robinson, who served as Secretary-General of the conference, repeatedly failed to publicly condemn efforts by member states of the Organization of the Islamic Conference to single out Israel for criticism and to single out the Israeli-Palestinian conflict for discussion;

Whereas the official government declaration adopted by the World Conference Against Racism, the “Durban Declaration and Program of Action”, focused on the “plight of the Palestinian people under foreign occupation”, and thereby singled out one regional conflict for discussion and implicitly launched a false accusation against Israel of racism towards the Palestinians;

Whereas on September 3, 2001, Secretary of State Colin Powell explained the withdrawal of the United States delegation 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 late United States Representative Tom Lantos, who participated as a member of the United States delegation to the Durban Conference, supported that delegation's withdrawal and wrote in 2002 that the conference "provided the world with a glimpse into the abyss of international hate, discrimination and, indeed, racism";

Whereas on December 19, 2006, the United Nations General Assembly approved a resolution initiating preparations for a Durban Review Conference (commonly referred to as "Durban II");

Whereas the Durban Review Conference will be held between April 20 and 24, 2009, in Geneva, Switzerland;

Whereas the chair of the preparatory committee for the Durban Review Conference is Libya, and the co-chairs include Iran, Pakistan, and Cuba;

Whereas throughout the preparatory process for the Durban Review Conference, member states of the Organization of the Islamic Conference have urged that the conference again focus criticism on Israel and single out the Israeli-Palestinian conflict for discussion;

Whereas throughout the preparatory process for the Durban Review Conference, member states of the Organization of the Islamic Conference have also urged that the Durban Review Conference consider global legal codes that would impose restrictions on the freedoms of religion, expression, thought, conscience, the media, and opinion, contrary to fundamental freedoms recognized in the provisions of the Universal Declaration of Human Rights;

Whereas in testimony before the House of Representatives on April 2, 2008, then-Assistant Secretary of State for International Organizations Kristen Silverberg stated

that the United States had decided against participating in preparatory activities for the Durban Review Conference because “[there is] absolutely no case to be made for participating in something that is going to be a repeat of Durban I. We don’t have any confidence that this will be any better than Durban I”;

Whereas Dr. Zalmay Khalilzad, United States Permanent Representative to the United Nations, stated on April 8, 2008, that “we have made clear that the United States is not participating in the [Durban Review Conference] process and we have no plans to do so. We will not participate unless it is proven that the conference will not be used as a platform for anti-Semitic behavior”;

Whereas on January 23, 2008, Canada’s secretary of state for multiculturalism and Canadian identity, Jason Kenney, announced that Canada would not participate in the Durban Review Conference, stating that “Canada is interested in combating racism, not promoting it . . . Our considered judgment having participated in the preparatory meetings, was that we were set for the replay of Durban I. And Canada has no intention of lending its good name and resources to such a systematic promotion of hatred and bigotry”;

Whereas on September 23, 2008, the House of Representatives passed House Resolution 1361, which, among other things, called on the President to “urge other heads of state to condition participation in the 2009 Durban Review Conference on concrete action by the United Nations and United Nations Member States to ensure that it is not a forum to demonize any group, or incite anti-Semitism, hatred, or violence against members of any group or to call into question the existence of any state”

and urged all United Nations Member States “not to support a 2009 Durban Review Conference process that fails to adhere to established human rights standards and to reject an agenda that incites hatred against any group in the guise of criticism of a particular government or that seeks to forge a global blasphemy code”;

Whereas the draft declaration or “draft outcome document” published at the second preparatory session of the Durban Review Conference in October 2008 again implicitly criticized Israel, singled out the Israeli-Palestinian conflict for discussion, and advocated global legal codes that impose restrictions on the freedoms of religion, expression, thought, conscience, the media, and opinion;

Whereas in December of 2008, the intersessional working group, chaired by Russia, published on the website of the Office of the United Nations High Commissioner for Human Rights a revised “draft outcome document” that reaffirmed the biased 2001 Durban Declaration and Plan of Action “in its entirety”; ratcheted up implicit criticism of Israel and singling-out of the Israeli-Palestinian conflict for discussion, and also increased its calls for global legal codes that impose restrictions on the freedoms of religion, expression, thought, conscience, the media, and opinion;

Whereas the present United Nations High Commissioner for Human Rights and Secretary-General of the 2009 Durban Review Conference, Dr. Navanethem Pillay, has sought to minimize the level of hateful, anti-Jewish rhetoric and anti-Israel political agendas present at the 2001 Durban Conference, describing it as merely “the virulent anti-Semitic behavior of a few non-governmental organizations on the sidelines” and praising the biased Durban

Declaration and Program of Action as “[t]he legacy of this Conference”;

Whereas the present High Commissioner Pillay has repeatedly and publicly criticized nations that have announced that they do not plan to participate in the Durban Review Conference or are considering not participating, but she has yet to publicly criticize countries who have thus far succeeded in using the conference’s preparatory conference to criticize Israel and to attempt to restrict fundamental freedoms;

Whereas a United Nations press release on September 8, 2008, regarding an address by High Commissioner Pillay, disturbingly dismissed objections raised by non-governmental organizations to the Durban Review Conference as “ferocious, and often distorted, criticism by certain lobby groups focused on single issues”;

Whereas on November 19, 2008, Israeli Foreign Minister Tzipi Livni announced that Israel would not participate in the Durban Review Conference and called on other nations “not to participate in the conference, which seeks to legitimize hatred and racism”;

Whereas on December 16, 2008, Dutch Foreign Minister Maxime Verhagen announced that the Netherlands was considering not participating in the Durban Review Conference, stating “It seems like the sole intention is to criticize Israel and condemn the West for slavery and its colonial history . . . We will take every opportunity at this time to fight racism and discrimination but we will not be used for a propaganda circus”;

Whereas to date, over \$2,000,000 from the United Nations regular budget has been expended on Durban Review

Conference preparatory activities, and on December 24, 2008, the United Nations General Assembly approved a program budget for the biennium 2008–2009 that, over the objections of the United States, the European Union, Canada, Australia, and other prominent Member States, will provide a significant portion of the funding for the Durban Review Conference and its preparatory activities from the United Nations regular budget;

Whereas the United States is the largest contributor to the United Nations system, and is assessed for a full 22 percent of the United Nations regular budget, which is funded by assessed contributions from Member States;

Whereas funding Durban Review Conference activities through the United Nations regular budget would result in United States taxpayer dollars being used for those purposes;

Whereas the United States decided to withhold from its 2008 funding for the United Nations regular budget an amount equivalent to the United States share of the United Nations Human Rights Council budget, including its share of the Council-administered preparatory process for the 2009 Durban Review Conference;

Whereas the preparation and management of the Durban Review Conference has been committed to the United Nations Human Rights Council; and

Whereas during the 110th Congress the House of Representatives approved a prohibition on United States funding for the United Nations Human Rights Council, and has strongly condemned the Council for ignoring severe human rights issues in other countries, while choosing to unfairly target the State of Israel: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) reaffirms the fundamental commitment of
3 the United States to combating racism, racial dis-
4 crimination, xenophobia, and related intolerance;

5 (2) believes strongly that the 2009 Durban Re-
6 view Conference, like its 2001 predecessor, has been
7 subverted by members of the Organization of the Is-
8 lamic Conference and irredeemably distorted into a
9 forum for anti-Israel and anti-Semitic activity;

10 (3) urges the President and the Secretary of
11 State to build upon present United States policy by
12 publicly declaring that the United States will not
13 fund or participate in any portion of the Durban Re-
14 view Conference or its preparatory activities;

15 (4) urges the President and the Secretary of
16 State to withhold from United States funding for
17 the United Nations regular budget an amount equiv-
18 alent to the United States share of assessed con-
19 tributions for the Durban Review Conference and its
20 preparatory activities;

21 (5) urges the President and the Secretary of
22 State to lead a high-level diplomatic effort to encour-
23 age other responsible nations to not fund or partici-
24 pate in any portion of the Durban Review Con-
25 ference or its preparatory activities;

1 (6) commends the governments of Canada and
2 Israel for publicly refusing to fund or participate in
3 the Durban Review Conference; and

4 (7) calls upon the President and the Secretary
5 of State to lead a high-level diplomatic effort to ex-
6 plore credible, alternative forums for combating rac-
7 ism, racial discrimination, xenophobia, and related
8 intolerance.

○