

UNITED NATIONS UPDATE

DURBAN II: THE SECOND WORLD CONFERENCE AGAINST RACISM

In September 2001, the United Nations sponsored a summit in Durban, South Africa, entitled the World Conference Against Racism (WCAR). The WCAR created a large amount of controversy surrounding several divisive issues and ended with, at best, mixed results. Recently, however, the UN decided to sponsor a second WCAR in Geneva in April 2009. As the conference approaches, many of the issues that plagued the first WCAR remain highly divisive.

Perhaps the most divisive issue at the first WCAR was the push by many Arab nations and certain NGOs to name Israel in the final report as a racist nation engaged in racist practices. The debate over this issue continued with such force that the U.S. and Israel pulled their delegations from the conference.

In preparation for the second WCAR, the U.S., Israel, and many other western nations have expressed a fear of a repeat of the first conference and will most likely not attend. The Obama Administration has said it will not attend the second WCAR if the preparatory draft statement references Israel. Originally, the UN balked at making such changes to the draft, but, after similar statements from Canada, Italy, and other western nations, the United Nations High Commissioner for Human Rights (UNHCHR), Navi Pillay, agreed to leave references to Israel out of the draft. The debate will most likely be reopened at the conference, however, because Arab nations still view many Israeli practices as being based on racist sentiments. No Arab nation has stated any intention of boycotting the conference.

Slavery reparations had plagued the first WCAR, and the U.S. State Department spokesperson, Robert Wood, listed the issue of reparations for slavery as an additional reason for the U.S. abstention. Many western nations, having histories of slavery, denounced any draft language requiring them to compensate descendants of slaves. Many African nations, however,

expressed a strong desire to see some form of reparations. The final document dropped all language requiring reparations in favor of language denouncing slavery and its aftermath.

Another problem plaguing the original WCAR was the interference of a large number of NGOs. Although not invited to participate directly in the conference, the NGOs held a parallel conference at a stadium a short distance from the main proceedings and produced their own draft statement for submission to the WCAR. The NGO forum devolved into a heated argument on every issue and produced a document so riddled with anti-Semitism and other problematic statements that the then UNHCHR, Mary Robinson, refused to accept it as a submission. The current UNHCHR, Navi Pillay, has promised to curb NGO influence during the second WCAR.

A new extremely divisive issue has emerged, pitting the western nations against their Arab counterparts. The issue of religious defamation has become a focal point of differing views on human rights. Arab nations, under the Organization of the Islamic Conference, want a prohibition on the defamation of religion to be included in the second WCAR. Many western nations view this as an infringement on the right of free speech contained in the Universal Declaration of Human Rights.

The second WCAR seems to be experiencing many of the same problems as the first and is having difficulty attracting even the original participants. As of this publication, Canada, Israel, and the U.S. will not be participating, and many EU nations seem ambivalent.

THE TENTH SESSION OF THE HUMAN RIGHTS COUNCIL

The tenth session of the UN Human Rights Council (Council) began in March of 2009 and lasted for three weeks. The Council reviewed reports from various UN agencies, as well as from national governments reporting on the human rights situation of their countries. Highlights described

below include the first participation of the U.S. since the Bush administration's withdrawal, controversies surrounding the situation on human rights in North Korea and Sri Lanka, and other issues.

The U.S. sent a representative to address the session, its first involvement with the Council since the middle of 2008. The U.S. had pulled out of the Council's sessions following a growing disagreement between the Council and the Bush administration. After the election of Barack Obama to the Presidency, the U.S. pledged re-involvement with the Council. It did mention, however, that many of its past grievances with the Council remain, such as the view that the Council singles out Israel while frequently ignoring human rights violations by other countries. The U.S. now seeks a seat on the Council in the hopes of creating change from inside the Council itself.

The situation in North Korea received attention, as food shortages grow and the government seems unlikely to aid the impoverished population. South Korea's delegate and a UN expert on the region both addressed the Council about the dire situation and called for the North Korean government to take steps to mitigate the crisis. North Korea responded by saying it "rejects all stereotypical allegations and will continue to reject the mandate of the special rapporteur on the human rights situation." North Korea added that the comments of South Korea's representative were "motivated by purposes other than genuine concern for human rights." The South Korean Minister of Unification responded, "The government sees the North Korean human rights issue as a universal value. We made the criticism with care, which is completely different from blame or slander."

The situation in Sri Lanka became a controversial subject before the tenth session of the Council. Karen Parker, of International Educational Development, accused the Sri Lankan government of numerous human rights violations which the government vehemently denied. The UNHCHR, Navi Pillay, denounced the government's decision not to allow human

rights monitors into closed military areas, and she has accused Sri Lanka of aiming shelling at Safe Zones, claiming that such attacks have caused more than 2,800 civilian deaths in one year alone. Furthermore, the UNHCHR also decried many practices, including the use of human shields, of the Liberation Tigers of Tamil Eelam (LTTE), the insurgent group fighting for independence in Sri Lanka. The Sri Lankan government refuted the accusations against it by stating that the UNHCHR had relied on unsubstantiated casualty figures derived from Tamil propaganda. The government called Parker's allegations a "complete falsehood" and stated that the government "is engaged in a legitimate military and humanitarian operation aimed at liberating its own people from LTTE terrorists." Both sides have been accused of human rights violations during the many decades of the Sri Lankan civil war. No independent journalist or experts are allowed to enter Sri Lankan war zones to verify casualty figures.

The UN Special Rapporteur for the Occupied Territories of Palestine, Richard Falk, reported to the Council that the recent Israeli incursion into Gaza in January of 2009 may constitute a war crime. Falk stated that Israel's failure to differentiate between militants and civilians, as well as its indiscriminate use of weapons such

as white phosphorus shells, established a "prima facie case" for war crimes. Israel responded that Falk was biased and that his report was "a further example of the very one-sided, unbalanced and unfair attitude of the Human Rights Council." The Council decided to send a mission to investigate allegations of human rights violations in the region, appointing a former international prosecutor, Richard Goldstone, to lead the mission.

The Organization of the Islamic Conference proposed that the Council ban religious defamation. The proposal is based on the view that criticizing and lampooning Islam, such as the 2006 Danish cartoons, creates discrimination against Muslims and sparks violence towards them. Although the document would purportedly ban defamation against any religion, Islam is the only one named in the text of the proposal. Many groups and countries worldwide strongly oppose this proposal because they believe it restricts the right to freedom of speech and legitimizes the current blasphemy laws of many Muslim nations. The non-binding resolution passed on the last day of the conference with a vote of 23 to 11, with 13 abstentions.

Somalia experienced a rise in violence last year according to Shamsul Bari, a UN expert on the situation of human rights in

Somalia, but opportunities exist to improve conditions in the war-torn nation. When presenting his report to the Council, Bari stated, "The lack of accountability for past and current violations and abuses of human rights and international humanitarian law has further exacerbated the situation." He expressed hope that the recent creation of a new government of national unity and enlargement of the federal transitional parliament would help reduce the violence. He stressed the importance of international support for the new government and of increased aid to the African Union peace-keeping troops.

The tenth session of the Human Rights Council ended March 27, 2009, and involved reports and testimony on a large variety of issues, many of which are divisive and controversial. Some progress was visible, however, such as the renewed involvement of the United States, and the decision to investigate the human rights situation of the Palestinian-Israeli conflict. The next session convenes in June 2009.

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