

THE INTERNATIONAL ORGANIZATION FOR THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (EAFORD)

Durban Review Conference

20 – 24 April 2009

Agenda item 9: Issues arising from the objectives of the conference

Mr. President,

Victims of racism and racial discrimination are justified in holding that the proceedings at this Conference may correctly be treated as a retrograde step in their struggle. Both offender and victim were relegated to equality in anonymity, with the racist having immunity from exposure – they must remain nameless, as if we are dealing with abstractions. The main purpose of the conference was to assess the effect of *Durban One* on the lives and rights of peoples suffering from racism and racial discrimination like the Palestinians. That discussion was excluded, and the Palestinians were left to face their fate under an exclusivist ideology that negates all their national and human rights in their country. This may be acceptable to some in politics, but hardly so when the issue at stake is respect for and enforcement of the rule of law and international conventions that are the cornerstones to equality in humanity. In this case, we cannot afford weakening the grasp of the law or the significance and role of abiding loyally in good faith by such vital instruments.

Anonymity and exclusion of discussion are serious backward steps in the enforcement of international conventions, and are likely to undermine the role and authority of the Committee on Racism (CERD), which is already suffering from lack of cooperation from specific governments who presumably should now remain unnamed.

To what extent should politics be allowed to undermine global enforceability of these conventions? “Foreign occupation” is identified in the declaration as one of the manifestations of racism and racial discrimination. The declaration rightly calls upon us never to forget “apartheid and colonialism.” How can one deal with them without naming the occupier or colonizer or the apartheid perpetrator?

As it happens, Palestine is the only remaining territory under foreign occupation and suffering from brutal settler colonialism. The exclusion of discussion may be justifiable had there been any tangible movement on the ground in the right direction. However, there is no evidence of that, and the deliberate exclusion puts at risk not only the inalienable and human rights of the Palestinian people, but also the hard won Geneva Conventions and the authority of the International Court of Justice (ICJ). This is not the way to ensure transparency and enforceability.

A heavy responsibility lies at the doors of those states that have created such a dangerous precedent for which they will have to answer, unless they will deliver.

Thank you Mr. President.

24 April 2009