Statement by E. Tendayi Achiume, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, at the U.N. General Assembly Third Committee discussion on follow-up to the Durban Declaration and Programme of Action

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 Excellencies, Today, I have the privilege of presenting to this Committee two reports.

The 20th Anniversary of the Durban Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

My thematic report commemorates the 20th anniversary of the Third World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa in 2001. The Durban Conference was a unique event in world history. For the first time, the international community reached a global consensus that slavery and the Trans-Atlantic Slave trade are a crime against humanity and “should always have been so”. The Conference acknowledged the evils of colonialism, apartheid, genocide and rampant inequality, and it linked them to contemporary racism and xenophobia across the world. Significantly, the Conference produced the Durban Declaration and Programme of Action, or DDPA, a comprehensive and intersectional document that offers a historically informed and structurally embedded plan for combatting racial discrimination and injustice.  My report highlights the important contributions that the DDPA and the Durban process have made to the human rights framework and its capacity to secure equality for all. The DDPA expanded the relevant scope for addressing racism, racial discrimination, xenophobia and related intolerance to consider historical precedents. It provides actionable recommendations for how States, non-State actors and civil society can challenge racism as it manifests in individual relations, in societal structures and institutions, at the local, national, regional and transnational levels. It highlights unequal economic and political systems as essentially connected to the problems of racism, racial discrimination, xenophobia and related intolerance. It also recognizes a broad range of groups as all commonly oppressed by racism and xenophobia, including Africans and people of African descent, Asians and people of Asian descent, indigenous peoples, migrants, refugees, asylum seekers and displaced persons, women, children, Roma, and religious and ethnic minorities, among many others.

In doing all of this, the DDPA is a groundbreaking document that explicitly fuses decolonial, anti-racist, and anti-xenophobic commitments in a single human rights instrument. The DDPA shares a common lineage with the International Convention on the Elimination of All Forms of Racial Discrimination, the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Declaration on the Establishment of a New International Economic Order, and the Declaration on the Right to Development that all came before it. In its unflinching acknowledgment of systems and structures of oppression, the DDPA offers a transformative vision for racial equality that seeks to make the promises of the Universal Declaration of Human Rights a reality for all peoples.

 In response to my call for input, I received a diverse collection of submissions from States, National Human Rights Institutions and civil society, for which I am grateful. These submissions illustrate one of the great strengths of the DDPA. Its comprehensive nature allows for attention to a combination of legal, social, political, economic, educational and cultural issues as they relate to racism. The DDPA has inspired increased collection of disaggregated data; the recognition of people of African descent and indigenous peoples in national communities; attention to xenophobia and sexism against migrants; the creation of national equality bodies; the development of regional human rights instruments; and greater international scrutiny of issues of racism, xenophobia, discrimination and intolerance. It has also increased the involvement of non-State actors in pursuing racial equality and given advocates new tools to challenge intersectional and structural forms of racism that exist in their societies.

Yet, rather than using the DDPA to advance the transnational fight against racism and offering momentum for new, improved versions of the framework, several States have instead signalled they intend to abandon the Durban process. In a troubling continuation of anti-DDPA action, a number of UN Member States boycotted the UN high-level commemoration of the 20th anniversary of the DDPA. These States are among some of the greatest beneficiaries of colonialism, slavery and the Trans-Atlantic Slave Trade.  In justifying their purposeful disengagement with the Durban process, these States and some NGOs have claimed that the DDPA is itself a “racist document” that needs to be discarded. As I show in my report, nothing could be further from the truth. While a small minority of participants at the Durban Conference advanced antisemitic statements, this vocal minority failed to influence the outcome of the DDPA. The DDPA condemns, by its very terms, all forms of intolerance. The DDPA as it stands reflects an international consensus that affirms the rights of Israelis and Palestinians, deplores antisemitism, neo-Nazism and other forms of intolerance, and calls for an end to violence against Israelis and Palestinians. It is counter to foundational principles of human rights to condemn the DDPA for its recognition of the fundamental human rights of Palestinians, including their right as a people to self-determination.

Another prominent motivation for the anti-DDPA mobilization is resistance from some States to reparations for racial discrimination rooted in colonialism and slavery. As I highlighted in a recent report to this body, such reparations are a matter of urgency and a matter of fundamental human rights.

A year ago, the world witnessed an unprecedented, transnational racial justice uprising. Following the murder of George Floyd in Minneapolis, solidarity protests spread around the world under the banner of “Black Lives Matter”, as people connected their own experiences of systemic racism with a broader global movement. “Black Lives Matter” represents the most significant momentum for racial justice since the grass-roots advocacy and transnational coordination which paved the way for the Durban Conference. The demands of those who took to the streets in 2020 echoed the demands of those who mobilized to make the Durban Conference and DDPA a reality. In the historic Human Rights Council Urgent Debate that followed the protests, Member States acknowledged and condemned systemic racism, pledging to redouble their efforts for justice and equality. Fulfilling these commitments, dismantling systemic racism and racial injustice, and combatting xenophobia and related forms of intolerance require full implementation of the DDPA. They also require full support from UN Member States for the mechanisms established within the Durban process.

I  call  on  States  participating  in  any  form  of  DDPA  boycott  to  instead  demonstrate  their genuine  commitment  to  racial  justice  and  equality  by  implementing  the  DDPA  and engaging  in  its  followup  mechanisms,  including  through  the  adoption  of  legal,  political, economic, educational,  cultural  and social  reforms.

I turn now to my report on combating the glorification of Nazism, neo Nazism and related ideologies, submitted pursuant to General Assembly resolution 75/169. My report summarizes the contributions received from 8 States on the implementation of resolution 75/169, as well as contributions from nongovernmental and other organizations containing their views on the subject. I also outline the governing principles and obligations of racial equality and nondiscrimination, highlighting their application in combatting racism and xenophobia. States described their efforts to track and prevent hate crimes, especially on the Internet. State submissions also reported programs to increase education on the horrors of Nazism and neoNazism and ensure compliance with international human rights law. Civil society organizations emphasized several worrying trends in countering antisemitism and other doctrines of racial superiority, including the increase in online hate speech, the proliferation of antisemitism and political racism from official sources, and the rise of ecofascism, a movement that seeks to use growing environmental crises as a justification for forms of government that create, perpetuate and sustain ethnic and racial domination.

 In my report, I make recommendations for States and other actors. These include full compliance with article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, the promotion of truthful accounts of the past and collaboration with civil society and international, regional and national human rights mechanisms to counter antisemitism and extremist movements. I thank you for your attention and look forward to a constructive dialogue with you.