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Reflexions on Durban and after.

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The United Nations held a review session at its September General Assembly in 2011 to commemorate the 10th anniversary of the World Conference against Racism (22 September 2011). The General Assembly reaffirmed that “racism was a negation of the purposes and principles of the UN” and deplored that despite the progress made the effective implementation of the Durban Outcome had not been satisfactory. And several delegates at the General Assembly stressed that “those states and blocs of states still working against the action plan should abandon their political maneuverings”(1)

The Conference took place in Durban (South Africa) at the end of August and beginning of September 2001, a few days before the terrorist attacks of 9/11 which brought down the twin towers in Manhattan, New York and caused thousands of deaths. Eleven years on, the controversy still rages about that conference and the United States government did not join in the review session still reeling at what it considered a conference of ‘hatred’. Canada and Israel decided also to boycott the Summit. Indeed no other UN gathering has generated so much negative reactions in the Western world. The Durban Conference ended with the spectacular withdrawal of the USA and Israeli delegations outraged, it seems, at the “singling out of Israel” and at the equation of Zionism with racism. The European countries threatened also to pull out but ended up negotiating a final Declaration and Plan of Action they could live with.

I led the Unesco delegation to this World conference after having participated in its preparation as Secretary General of Amnesty

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International. In that latter capacity I had conducted AI delegations to other Human Rights conferences including Vienna in 1993, Beijing on Women in 1995 and Rome on the International Criminal Court in 1998. All these conferences ended up with Declarations and Plans of Action adopted by consensus after heated debates. So did Durban. Then why all the fuss? In my view it was due to the fact that for the first time the western countries were put on the defensive. While in the other human rights conferences they saw themselves as holding the moral high ground, and pushing the global human rights agenda in a progressive direction, in Durban they were called upon to account for the past atrocities they had visited on the peoples of the Global South. The genocides of the Indigenous populations in the Americas, the transatlantic slave trade, the wars of colonial occupation and expropriations were all exposed as having been fuelled by racist ideology and in turn having structured the unequal world we inhabit presently. The persistence of racism today was deemed in Durban to be the legacy of centuries of European expansion and brutality. Europe and North America were thus called upon to apologize and pay reparations to the descendants of their past victims. Which they objected to.

The other major contentious issue was linked to the proceedings and outcome of the civil society forum and to the rejection of its Declaration by the High Commissioner for Human Rights due to the use of “inappropriate language”. The NGO Forum was primarily derailed by the Israeli-Palestinian conflict where the debates led to accusations of “anti-Semitism” and to the withdrawal of some international and Jewish Ngos. This, coupled with the withdrawal of the USA and Israel, was magnified by the western press which hastened to extend the qualification of “failure” to the entire Durban process without even awaiting the outcome of the governmental conference. In the process the work of the 6000 or so groups who participated in the preparation and holding of the conference was not submitted to and examined by the intergovernmental forum which failed in the end to address the discriminations suffered by Palestinians or occasioned by the belonging to a “caste” in countries like India and Japan or in West Africa or to refer to the fate of black people living in Arab countries.

But still many “invisible” victims did show their faces to the world at the conference. Seemingly trivial but really very telling was a delegation of

“Pygmies” who came to publicize for the first time at a world conference the threats to their society from war in Central Africa. Afro-Latins also spoke of their suffering. The presence of delegations of Roms, Gypsies, Sindis and other “travelling people”-all victims of a racism ignored by the international community-were able through their links with Ngos to have their say in the conference’s final declaration and action plan. Many other victims were clearly identified. Now it is up to Governments and Ngos to do something about them. For these victims this was a significant achievement brought by Durban.

Durban was the 3rd world conference against racism. It followed on 2 previous gatherings focused on the struggle against apartheid. Durban, in South Africa, was thus meant to be a celebration of the dismantling of institutional racism but at the same time a recognition of the rise in most regions of the world of diverse forms of social and urban apartheid based on structural discrimination that is racial in character; whether explicitly or implicitly while no longer having to draw on racial representation. Racism in other words reinvents its justification and mode of expression as it is defeated by science education and reason. Mobilization is therefore crucial because at the end of the day racism is the expression of a doubt concerning the principle that every human life is of equal worth and that we are all equally accountable for each life. Racism is the very negation of human rights and its most dangerous expression since it can lead to the most abominable of all crimes, the crime of genocide. This is why in a 21st century opening up to all kinds of confrontations and dangers such a conference was so crucial.

Irrespective of the assessment one makes of Durban it had the merit of mobilizing internationally around racism at the beginning of the 21st century, in establishing a framework to combat contemporary forms of racism and in enshrining on the global agenda two interrelated moral and political issues which will shape debates and struggles around racism in the years to come: these are “Taking responsibility for the past” and “the Racial nature of the western state”. The success in influencing the outcome of the debate will of course depend on the strength of the social movement carrying the struggle.

In response to the claims for reparations contained in the preparatory documents for Durban the reaction of many European governments can

be summed up as follows: "Present generations should not be expected to take responsibility for crimes committed in the past". This is understandable given the fact that the crimes committed by Europe are a long list of unrequited injustices dating back to the assault on the rest of the world following the "discovery" of the "New world", leading to the phenomenal transfer of wealth and subsequent enrichment of western nations to the detriment of the global South and to the persistent inequalities that today result from this past. However for many of the descendants and successors of those who were wronged, historical grievances have become the focus of demands for reparations and the need for restitution has become a major part of national political debates and international diplomacy.

Janna Thompson in her seminal work (2) argues that historical obligations for reparation are grounded in a concept of a society or a nation as a "intergenerational community" with transgenerational obligations to honor the commitments of their forebears and repair their past deeds and past "acts of disrespect" vis a vis other nations. It is this moral relationship between generations that allows a political society to act justly in a world of nations. In the same way as we accept nowadays that we have duties to future generations notably through the objective of sustainability in managing environmental concerns we ought to take responsibility for the commitments and deeds of our predecessors.

As for the descendants of the victims they have rights of inheritance to possessions taken unjustly from their forebears (e.g. land) because of "lifetime-transcending interests" of individuals and because of harms that result from wrongs done to their family lines. And further equity demands that those who benefit from the results of past unjust interactions share with those who suffer loss. This is a moral requirement that is more and more gaining acceptance.

This is the problematic, which found an airing for the first time in a world arena at Durban. It will from now on linger on all debates on Human Rights and affect adversely western nations' moral authority unless the issue is addressed in ways that advance justice and reconciliation. In this respect Durban can be considered as the formal beginning of a process since the final Declaration recognized that the

slave trade and slavery constituted a crime against humanity and that there was a “moral obligation” to pay financial compensation for wrongs committed.

This has inspired many actions since then. The Herreros in Namibia have initiated lawsuits against the German government for genocide and for what is now considered a rehearsal for the Nazi concentration camps in Germany during the 2nd world war. The Mau Mau families in Kenya have taken the British Government to court for colonial crimes committed in the 50s and 60s. Black Americans are demanding apologies and reparations for slavery a crime qualified in Durban as a crime against humanity and therefore imprescriptible. The government of Algeria has made it a condition for improved relationships with France that its Government recognizes the crimes committed during the colonial period and apologizes for that. Indigenous peoples in Australia and New Zealand have been reenergized in their struggles to recuperate lost land. Durban has closed the era opened by Christopher Columbus and has called for a new reading of that period of our common history. It starts with the opening of all archives as demanded by Unesco at the World Conference.

The second challenge is brought by the migratory trends from South to North and the management of diversity. Going beyond the extremes of Nazi Germany and Apartheid South Africa, Goldberg in his book entitled “The Racial State” (2) has defined the role of the modern (western) state as the production and reproduction of political social and cultural homogeneity and of sameness; of ensuring the reproduction of a community cut from the same “cloth” in the face of increasing heterogeneity globally. To achieve this the state uses its power to exclude (e.g. Fortress Europe) and by extension its power to include albeit in racially ordered terms aided by the capacity provided by the law, policy making; by the bureaucratic apparatuses, invented histories and traditions, ceremonies and cultural imaginings. This becomes ever more needed when growing individualism combined with a globalizing culture “threaten national identity” and leads to a state (France) organizing a public debate on “national identity”.

Recent debates in Europe around multiculturalism (Germany and Great Britain) around the place of Islam (Holland), the veil (France), the

integration of “second generation migrants” point to the continuous practice of considering the “other” as a threat to the social cohesion grounded on the alleged previous sameness. In the process class contradiction is transcended to protect the ever-growing imbalance in the distribution of national wealth in favor of the rich by creating through a constructed and reconstructed “sameness” an “us” against “them”. As for the “other” he/she is summoned to “integrate”, to renounce attributes of his/her identity to repudiate his/her “community” and religion and to become invisible; confined in ghettos, populating the prisons and forming a new underclass. This is accompanied of course by a magnifying glass shed on the achievements of a few individuals emerging from “la diversite” in politics and other fields of the public sphere (e.g. media, fashion, sport etc). These are after all liberal democracies and the illusion of equal rights must be maintained!

The issue of regulation and integration of migrants has remained a central focus for the post Durban process as exemplified by the recent report of the working group preparing the commemoration of Durban+10. The recommendations formulated in the document (from the ratification of the Convention of migrants’ rights, to the human rights’ approach to the management of migrations, from the information campaigns to eliminate stereotypes to more just conditions of employment) continue to pose serious challenges to the fixed and static concept of citizenship and hence to the racial state. Goldberg states that these are challenges to the grounds of the constitutive conditions of the state itself and he goes on to ask: “Can a state be predicated on assumptions of heterogeneities? Can a state constitutively be open to the flows not simply of capital but of human beings recognized equally and with equal sensitivity, on and in equal terms, as belonging in their flows to the body politic?” This he asserts will not happen without the development of vigorous social movements defending the general interest. Durban with its impressive mobilization of civil society organizations debating passionately and building transnational networks did appear as a manifestation of the coming to being of such movements.

Unfortunately in the years following Durban such a social movement has failed to ignite a broad mobilization to entrench the issue and especially the issue of reparations on the international agenda.

According to Rodha Howard-Hassmann in her book "Reparations to Africa"(4) the movement for reparations to Africa lacks the capacity for social mobilization, is defective in its organization and inept at tactical manoeuvring. It so far consists only of a few individuals, and a small network with no formal structure. Further it has not succeeded in framing a compelling and coherent narrative bogged down as it is between demands for reparations for the slave trade and/or colonialism and/or neocolonialism.

African governments after the activism of the 1990s through notably the African Union seemed to have lost steam and reverted to the classical calls for an increase in aid and investments. The probable reductions in aid flows in the wake of the financial crisis in the West may reopen the issue in the African Union but I do not see at the moment any potential leader among African states ready to wear that mantle for fear of being "punished" by a further reduction in aid. In this respect Durban might have been the end of the movement at the intergovernmental level and not the beginning.

It is fair to say that the urgent matters of democratization, conflicts and poverty hardly give space for an issue that can only be solved in the long run and governments and civil society organizations have to sort out the immediate contradictions that beget African societies. It is not surprising therefore to find the most active reparationists in the African diasporas in Europe and North America. But they can hardly lead the movement in lieu of the Africans themselves. Further they are not finding any resonance with western public opinion and ultimately they are confronted with immediate struggles regarding their own status and integration in western societies.

It appears therefore that the most promising strategy would be for now to focus on the surviving victims of colonial abuse and use judicial procedures. Hence the success of the challenges to discriminatory payments made to the African war veterans who fought alongside their French counterparts during the 2nd world war, the Herreros and Mau Mau victims, all cases, which could inspire other victims of colonial abuse. Provided of course they get the support of their respective governments or sponsors in western countries.

As can be seen from this brief discussion Durban has merged the past, the present and the future in addressing the issue of racism and discrimination. Even though in these reflexions I have mostly concerned my self with Europe, which is, where I presently live, participants in the Durban process and especially civil society representatives made it abundantly clear that various forms of discriminations continue to disfigure social relations in all parts of the world. The struggle therefore is not just a global one i.e. in those countries who shape and dominate global relations but also one which must take place at the local level.

The Review Conference of 2009 has produced a weak outcome document and the September outcome document of last year did not fare any better but at the end of the day what matters is to find ways of enhancing mobilization of civil society organizations and more importantly mobilization of the victims of racism to defend their human rights and reject dehumanization.

Let me leave you with a quote of Nadine Gordimer the celebrated writer of South Africa extracted from her novel *The House Gun* about Harold and Claudia Lindgard:

The Lindgards were not racist, if racist meant having revulsion against skin of a different colour, believing or wanting to believe that anyone who is not your own colour or religion or nationality is intellectually or morally inferior. Yet neither had joined movements, protested, marched in open display, spoken out in defense of these convictions. They thought of themselves as simply not that kind of persons; as if it were a matter of immutable determination, such as one's blood group, and not failed courage.

Martin Luther King was similarly outraged by the silence of 'good people' in the face of untold injustice.

It will take outrage and action from us all to defeat racism and protect human rights based on dignity and equality.

This is what being human means.

- (1) United Nations GA/11149
- (2) Jana Thompson: Taking responsibility for the past. Polity press 2002
- (3) David Goldberg: The Racial State. Blackwell 2002
- (4) Rhoda Howard-Hassmann: Reparations to Africa. University of Pennsylvania Press 2008