

**National Bar Association**

Resolution To Urge the Obama Administration to  
Participate Fully in the United Nations Durban Review  
Conference to be held in Geneva on April 20 – 24 2009

**WHEREAS** the National Bar Association, founded in 1925, is the oldest and largest organization of attorneys and judges of color in the world and today represents over 44,000 lawyers, judges, legal scholars and law students internationally;

**WHEREAS** the United Nations has taken many global actions to combat racism, including adopting numerous resolutions, conventions and declarations such as the *Convention on the Prevention and Punishment of the Crime of Genocide (1948)*, the *Declaration on the Elimination of All Forms of Racial Discrimination (1963)*, the *International Convention on the Elimination of All Forms of Racial Discrimination (1965)*, the designation of 21 March as the International Day for the Elimination of Racial Discrimination (1966), the *International Convention on the Suppression and Punishment of the Crime of Apartheid (1973)*, the First Decade to Combat Racism and Racial Discrimination (1973-1982), the First World Conference to Combat Racism and Racial Discrimination (Geneva, 1978), the Second World Conference to Combat Racism and Racial Discrimination (Geneva, 1983), the Second Decade to Combat Racism and Racial Discrimination (1983-1992), the Third Decade to Combat Racism and Racial Discrimination (1993-2002), and the designation of 2001 as the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance; and

**WHEREAS** in September 2001 in Durban, South Africa, also to combat racism, the United Nations held the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (“2001 Durban Race Conference”) pursuant to United Nations Commission on Human Rights Resolution 1997/74 of 18 April 1997 and United Nations General Assembly Resolution 52/111 of 12 of December 1997; and

**WHEREAS** the 2001 Durban Race Conference explored five themes: (1) Sources, causes, forms and contemporary manifestations of racism, racial discrimination and related intolerance; (2) Victims of racism, racial discrimination, xenophobia and related intolerance; (3) Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at the national, regional and international levels; (4) Provision of effective remedies, recourse, redress, compensatory and other measures at the national, regional and international levels; and (5) Strategies to achieve full and effective equality, including international cooperation and enhancement of United Nations and other international mechanisms in combating racism, racial discrimination, xenophobia and related intolerance; and

**WHEREAS** the 2001 Durban Race Conference adopted by consensus the Durban Declaration and Program of Action (“DDPA”) which established an international framework for creating effective anti-racial discrimination laws and policies and which highlights discrimination against many categories of people, including minorities, migrants and indigenous people; and

**WHEREAS** the 2001 Durban Race Conference, as noted by the former UN High Commissioner for Human Rights, was intended to be a landmark in the struggle to eradicate all forms of racism "requiring a strong follow-up mechanism to examine whether Governments have delivered on their promises made"; and

**WHEREAS** the 2001 Durban Race Conference called for states to review how they were implementing their DDPA commitments, and the United Nations Human Rights Council accordingly passed Resolution 3/2 on 8 December 2006 in which it agreed to convene a Durban review conference scheduled for 20 – 24 April 2009 in Geneva ("2009 Durban Review Conference"); and

**WHEREAS** the 2009 Durban Review Conference is intended to assess whether the 2001 Durban Race Conference follow-up mechanisms effectively combat racism, racial discrimination, xenophobia and related intolerance, to promote universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, and to identify and share good practices achieved in fighting racism, racial discrimination, xenophobia and related intolerance; and

**WHEREAS** the 2009 Durban Review Conference will evaluate how governments have implemented anti-discrimination commitments they made in 2001 at Durban, it is critical that all governments fully participate and fully assess how they have or have not reached their goals in eradicating race discrimination and evaluate what further steps they need to take to comply fully with the consensus of the 2001 Durban Conference; and

**WHEREAS** in 2008 Canada and Israel stated that they will boycott the 2009 Durban Review Conference in light of anti-Semitism and other outrages that occurred in South Africa in 2001; and

**WHEREAS** many groups around the world, including Jews, Muslims, people of African descent, Asians and other minorities, continue to be targets of racially motivated physical attacks and hate speech that the 2001 Durban Race Conference sought to eradicate; and

**WHEREAS** on September 23, 2008, the United States House of Representatives passed Resolution 1361 that called on the U.S. government to "lead a high-level diplomatic effort...to defeat any effort by states to use the forum to promote anti-Semitism or hatred against members of any group or to call into question the legitimacy of any state"; and

**WHEREAS** the Obama Administration is committed to fighting racism, racial discrimination, xenophobia and related intolerance, is committed to promoting internationally recognized human rights in all its forms, and is committed to dialogue and discourse to identify and solve human rights problems;

**NOW THEREFORE** be it resolved that the National Bar Association;

Acknowledges that individuals and groups throughout the nations and territories of the world, including Jews, Muslims, people of African descent, Asians and other minorities, continue to be subjected to unlawful and intolerable racism, racial discrimination, xenophobia and other related intolerance;

Recognizes that to eradicate racism, racial discrimination, xenophobia and other related intolerance, states must act jointly and severally;

Acknowledges that the 2001 Durban Race Conference highlighted global recognition of racism, racial discrimination, xenophobia and other related intolerance and spelled out a consensus for states to eradicate these evils;

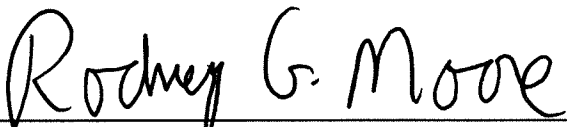
Acknowledges that the 2009 Durban Review Conference is intended to help ensure that states are in compliance with their 2001 Durban Race Conference commitments to eradicate racism, racial discrimination, xenophobia and other related intolerance;

Acknowledges that anti-Semitism and other outrages involving religious and ethnic minorities occurred in South Africa in 2001;

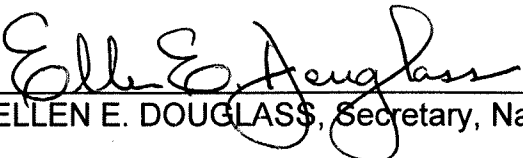
Notes that an Obama Administration boycott of the Durban review conference would continue to undermine the goodwill of the United States in the international community, would contradict the Obama Administration's pledge to engage in multilateral negotiations to promote human rights, would undermine the letter and the spirit of the 2009 Durban Review Conference, and would result in the continuing failure to eradicate racism, racial discrimination, xenophobia and other related intolerance; and

Urges the Obama Administration fully to participate in and to send a high level delegation to the 2009 Durban Review Conference, to lead diplomatic efforts to ensure that the 2009 Durban Review Conference adheres to the conference consensus as set out in the DDPA, and to do all within its power, domestically and internationally, to ensure that all countries fulfill their mandate to protect human rights by eradicating racism, racial discrimination, xenophobia and other related intolerance.

Done this 10 day of February in the year 2009 in the City of Atlanta, Georgia.

By:   
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RODNEY G. MOORE, President, National Bar Association

Attested and subscribed to by

  
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ELLEN E. DOUGLASS, Secretary, National Bar Association

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