



# THE INTERNATIONAL LEGAL FORUM

## DURBAN: 20 YEARS OF HATE, LIES & ANTISEMITISM

*LESSONS AND ANALYSIS FROM DURBAN 2001 TO DURBAN 2021*



**With essays and contributions from:**

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### **About The International Legal Forum**

*"The International Legal Forum (ILF) is an Israel-based pro-active legal network of over 3,500 lawyers and activists in over 40 countries, committed to fighting antisemitism, terror, and the delegitimization of the State of Israel in the international legal arena."*



In September 2001, the international community gathered in Durban, South Africa, with a great sense of hope and purpose of mission to present a united global front against racism.

Instead, the ‘World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance’ – held under the auspices of the United Nations – descended into a hotbed of unbridled Jew hatred, Antisemitism, vilification of Israel and even outright Holocaust distortion.

In reviving the ‘Zionism is Racism’ slur, the Durban conference also became the birthplace and catalyst of the modern Boycott, Divestment & Sanctions (BDS) Movement, which seeks the destruction of the State of Israel as its ultimate goal.

In other words, whereas Durban was meant to fight racism, it instead promoted racism and fueled racial hatred against one group of people and one only – the Jewish nation.

With antisemitism surging across the world today, it is important we bear in mind that such violence does not occur in a vacuum. What is happening around the world now, is inextricably intertwined to what happened in Durban twenty years ago and a direct result of the pervasive discourse vilifying and demonizing the Jewish state that began in 2001.

This September 22<sup>nd</sup>, the United Nations will convene world leaders in New York to celebrate the 20<sup>th</sup> anniversary of this infamous ‘Festival of Hate’.

Many principled nations have already withdrawn, citing concerns that the Durban Conference is tainted with antisemitism. Anyone who truly cares about fighting racial hatred, combating antisemitism and promoting tolerance, should not lend any credence to this modern blood libel.

The International Legal Forum (ILF), is deeply grateful to the leading experts around the world, including Israel’s Ambassador to the United States and United Nations, Ambassador Gilad Erdan, who have lent their voices to this collection of essays exposing the hypocrisy and hatred of the Durban Conference, as well as its ramifications twenty years later. Thank you all for your contribution and tireless efforts in the fight against antisemitism and the delegitimization of the State of Israel.

**Arsen Ostrovsky**

**Chair and CEO, The International Legal Forum**



I would like to applaud the International Legal Forum (ILF), a leading voice in the international legal arena, on this important initiative and all their efforts in combating the vilification and delegitimization of the Jewish state. Today, the Jewish people are facing severe threats. Physical attacks against Jews around the world in response to defensive actions taken by the Israeli government, politicians using antisemitic language and motifs when talking about Israel and the Jewish people, and online propaganda spreading lies about Israel and Jews underline a clear corroboration that **anti-Zionism is antisemitism**.

The origins of this phenomenon partially lie in the infamous 1975 UN General Assembly Resolution 3379, which equated Zionism with racism. While this resolution was revoked in 1991, the legacy of the resolution has and will remain a stain on the United Nations forever.

The 2001 Durban Conference will remain a stain on the UN forever as well. Under the platform of being a "World Conference against Racism," it was seized by the Palestinians and anti-Israel activists who reincarnated the lie that Zionism is a form of racism. The Durban Declaration (DDPA) that was adopted contained many important elements. Yet it politicized the important fight against racism. It intentionally referenced the Palestinians as "victims of racism," meaning that the Israelis are racist attackers. The overt displays of antisemitism at the conference forced many delegations to walk out.

This year, 20 years later during the opening of the 76th session of the United Nations General Assembly, the UN will, sadly, commemorate this shameful event and declaration which have become symbols of anti-Israel activism in the multilateral arena. I am in the midst of an intense diplomatic campaign to ask countries to join Israel in refraining from participating in this event. As I write this introduction, there are 11 countries who will stand alongside Israel and not participate, sending a powerful message condemning racism and hatred against any and all peoples.

The State of Israel is entirely committed to the international struggle against racism. However, a conference aimed at combatting global racism cannot itself be rooted in racism towards a particular group, here the Jewish people. None of us can rest until all racism, including antisemitism, is uprooted from the earth. The safety and security of the Jewish state and the Jewish people all around the world depend on it.

**Gilad Erdan**

**Ambassador of Israel to the United States and the United Nations**



## **THE DURBAN LEGACY OF HATE**

By Prof. Irwin Cotler

When I first heard in 1997 about the prospective World Conference Against Racism to be held in Durban in September 2001, I greeted it with both anticipation and excitement. This was to be the first World Conference Against Racism of the 21st century; it was to be the first international human rights conference of the 21st century; and it was to take place in Durban, South Africa, the birthplace of South African apartheid, and where, as someone who had been involved in the anti-apartheid movement, I had been arrested in South Africa in 1981, and became a member of Nelson Mandela's international legal team.

But, what happened at Durban was, to use an oft-abused metaphor, truly "Orwellian." A Conference to combat Racism turned into a Conference of Racism and Hate against Israel and the Jewish People. A Conference to herald the promotion and protection of international human rights in the 21st century, singled out one member state and people for selective opprobrium and indictment, with Israel and the Jewish People held out to be the enemy of all that is good and the embodiment of all that is evil. A Conference to commemorate the dismantling of South African as an apartheid state, became a Conference calling for the dismantling of Israel as an apartheid state.

As someone who participated in the Durban Conference, both as a member of the official Canadian delegation, and who witnessed also the NGO forum, Durban has indelibly imprinted itself on both my memory and my being. I can still see the marches in the streets-still hear the chants- "that the struggle against apartheid in the 20th century required the dismantling of South Africa as an apartheid state, and the struggle against apartheid in the 21st century requires the dismantling of Israel as an apartheid state".

On September 10th I flew back from South Africa to Canada. On September 11th we witnessed 9/11. As one of my colleagues put it at the time, "if 9/11 was the Kristallnacht of terror, then Durban was the Mein Kampf".

Those of us who personally witnessed the Durban Festival of Hate – with its pamphlets and posters of hate and antisemitism; with its cartoons and leaflets depicting Israelis as Nazis and Jews with fangs and hooked noses; who were solicited with the notorious antisemitic tract "The Protocols of The Elders of Zion"; who witnessed demonstrators with signs that "Hitler should have finished the job"; who witnessed Jewish students physically threatened with mobs screaming "you don't belong to the human race" -have forever been transformed.

For us, Durban is part of our everyday lexicon as a byword for hate and anti-Semitism, just as 9/11 is a byword for terrorist mass murder. Simply put, Durban emerged as a "tipping point" for a new wave of antisemitism masquerading as anti-racism.

It should not be surprising that this hateful Durban- speak became a legitimizing instrument for a new wave of antisemitism in the immediate aftermath of 9/11 and since- as evidenced by the following examples:

The Jews were blamed for 9/11 in a set of new "protocols" reflective of what some saw as a new international Jewish conspiracy; a global campaign against Israel as an "ethnic cleansing, criminal, and apartheid state" was launched in the immediate aftermath of post-Durban calls for the dismantling of Israel as a "racist apartheid state"; the first UN Human Rights Commission meeting in the aftermath of Durban sought to single out Israel for differential and discriminatory treatment with a majority of all resolutions passed indicting Israel while the major international human rights violators, such as Libya, Sudan, Syria or Iran, enjoyed exculpatory immunity.



The convening, in December 2001, of the Contracting Parties to the 1949 Geneva Conventions on International Humanitarian Law was a particularly egregious discriminatory act. For 52 years, the contracting parties had never met – notwithstanding the genocide in the Balkans, the unspeakable and preventable genocide in Rwanda, and the killing fields in Sierra Leone. The first and to date only time that the contracting parties have ever come together to put a country in the docket was in the immediate aftermath of Durban. That country, again, was Israel, an offensive singling-out that undermined the whole regime of international humanitarian law.

Twenty 20 years later, the Durban legacy of hate finds expression, not only in the old/new escalating, global antisemitism but where this antisemitism is underpinned by a series of dynamics that are not as well appreciated as they should be.

First, the mainstreaming, the normalization, the legitimation of antisemitism in the political culture, and the absence of outrage, underscored by indifference and inaction. Second, the marginalization of antisemitism in the overall struggle against racism, where education and training within and without government tend to marginalize, if not sometimes even exclude, antisemitism. Third, the laundering of antisemitism under the very cover of anti-racism. Fourth, the revival of the classic antisemitic trope of the Jews as “the Poisoners of the International Wells”, where Jews, the Jewish People, and Israel are blamed for the manufacture of the Coronavirus, for its spread, and for profiting from it.

None of this is intended to suggest that Israel is somehow above the law, or that Israel is not accountable to the international community like any other state. Nor are Israel or the Jewish people entitled to any privilege or preference because of the horror of the Holocaust or the threat of antisemitism. The problem is not that anyone should seek to place Israel above the law, but that Israel is being systematically denied equality before the law.

Last month, the Canadian government held the first-ever urgent National Summit to Combat Antisemitism with the participation of the Canadian Prime Minister Justin Trudeau, ten other government Ministers, Parliamentarians, leaders of civil society, and a diverse expression of the Jewish community. It was the lived testimony of the student participants, and the Jews of Color who embody intersectionality, which proved to be particularly evocative and effective. After their testimony about how they had been targeted, marginalized, and excluded in the campus culture forced to choose between their Jewish identity and acceptance in the progressive space-the Prime Minister and fellow government ministers responded that the combatting of antisemitism domestically and internationally would be a priority on the Canadian agenda.

Let there be no mistake about it, antisemitism is the canary in the mineshaft of global evil, toxic to democracies as Dr. Ahmed Shaheed put it, and an assault on our common humanity. Jews alone cannot combat or defeat antisemitism. What is required is a global constituency of conscience to combat it. It mandates a global response and it must include the community of democracies, as some have already done, withdrawing from the twentieth anniversary Durban Conference, lest their presence validates its hateful legacy.

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## **THE DURBAN NGO FORUM THAT LAUNCHED 21ST CENTURY ANTISEMITISM**

By Prof Gerald M. Steinberg

The NGO Forum was the most lethal aspect of the antisemitic 2001 UN Durban Conference. Advertised as an event to mark the end of the apartheid in South Africa and to adopt an auspicious plan to eliminate racism worldwide, the NGO Forum launched a virulent wave of hate that continues to spread deadly poison.

1500 organizations participated, including groups dedicated to the demonization of Israel under the facade of human rights, and funded by the UN, EU, Canada, and the Ford Foundation. While Palestinian suicide bombers were murdering Israelis by blowing up buses and restaurants, these groups were spreading hate.

There were mass marches through the streets of Durban, displaying signs with a Star of David alongside a swastika. Copies of the Protocols of the Elders of Zion were distributed and NGO representatives led by Human Rights Watch blocked Jewish speakers who did not toe the anti-Israel line. Dozens of Palestinian groups claiming to promote international law, such as Al Haq, provided what they referred to as "evidence" of Israeli war crimes. The UN High Commissioner, former Irish President Mary Robinson, presided over these events but failed to respond. Afterward, she meekly declared that there was nothing she could have done.

The script for the NGO Forum was written at the UN preparatory meeting in Tehran. Based on this text, the NGO Forum's Final Declaration singled out Israel repeatedly with accusations of war crimes, ethnic cleansing, and even genocide, and adopted an action plan for "the complete and international isolation of Israel as an apartheid state." Just as the South African apartheid regime was replaced, Israel -- as the nation-state of the Jewish people -- would be eliminated.

After Durban, the same NGO leaders and their UN allies moved quickly to implement boycott and lawfare campaigns, disguised as "legitimate criticism of Israeli policies." In addition, these groups used privileged access to the prosecutor of the International Criminal Court to promote false allegations and propaganda.

NGO speakers appeared regularly on university campuses to speak at "Israel apartheid week" events and at law school conferences on international law and human rights that framed the singling-out of Israel as academic research and analysis. The militants that controlled labor unions adopted boycott resolutions citing false NGO accusations and allegations of apartheid and war crimes and sympathetic newspapers were filled with interviews with and guest columns by the same group of influential anti-Israel activists. In each round of violence, when Israel responded to Palestinian terror attacks (and, in 2006, to Hezbollah), the UN Human Rights Council and the associated NGOs led another pseudo-investigation to again find Israel guilty.

20 years later, the Durban NGO war, largely funded by European governments, continues on different fronts. On city streets, including New York, Boston, London, Toronto, and Los Angeles, Jews are attacked and synagogues are defaced in the name of Palestine. Human Rights Watch, the Palestinian NGO network, and some Israeli allies, funded by European governments, continue to press the "apartheid" libel, including a recent campaign and report that used the term 200 times, and received widespread media coverage, with no justification.



Combined under the false banners of progressive intersectionality and solidarity, the term “Jewish supremacy” has been added to the poisonous agenda, while antisemitic attacks are at the highest levels since the end of the Holocaust. And in parallel, the NGO network is pushing a well-funded propaganda campaign to dismantle the IHRA working definition, disguised as an alternative “Jerusalem definition” without the Israel-related examples, precisely because it is the most effective mechanism for opposing the Durban strategy.

As if the current plague of antisemitism is insufficient, the United Nations Human Rights Council is planning a conference to revive and “celebrate” Durban, to be held in September 2021. The US, Canada, Australia, the UK, Hungary, the Netherlands, and Austria have announced a boycott, and others, particularly among Europeans, are likely to follow.

For the Jewish people, the original Durban events continue to be very painful, and the powerful UN and NGO network that hijacked the human rights agenda in order to demonize Israel continues to spread its poison. For world leaders who claim to oppose antisemitism, their complicity and silence in the wake of the virulent targeting of Israel and the Jewish people has already gone too far. Saying no to another Durban hatefest is the least they can do.

*Professor Gerald Steinberg is President of NGO Monitor.*





## **A LEGACY OF DESTRUCTION**

By Dr. Einat Wilf

In 1991 UN General Assembly Resolution 3379, famously, or infamously, known as Zionism is Racism resolution, was revoked by the United Nations. Whereas the initial resolution was passed by a vote of 72 to 35 with 32 abstentions, the resolution revoking the determination clause that “Zionism is a form of racism and racial discrimination” was passed by a vote of 111 nations, of which 90 sponsored the resolution, to 25 against with 13 abstentions. This overwhelming revocation was considered a long-overdue correction for a resolution that marked a low point in the UN’s history and “mocked the pledge and principles upon which the UN was founded”, as stated by then US President.

But this moment proved fleeting.

When the World Conference Against Racism convened in 2001 under the UN auspices in Durban, South Africa, it found it expedient to revive this equation of Zionism to Racism. Convening in a South Africa where the effects of Apartheid were still very much prevalent and where the system of racist inequality continued to persist in all but name, the members of the conference found it more urgent to fight a non-existent form of racism, rather than the ones that were evident all around them. In doing so, the Durban conference was at once operating against the very principle on which the entire global political system, including the UN, was based, running away from its mandate to fight racism, and making a major contribution to preventing peace.

To equate the movement for the liberation and self-determination of the Jewish people in their homeland to racism and racial discrimination was to undermine the very principle upon which the entire global political system rested since the fall of empires. Throughout the 20th century as nation after nation, peoples after peoples, released themselves from the yoke of empire, establishing their own nation-states, they did so in the name of self-determination of peoples. This became the organizing principle of the global political system, including the UN itself, a body that brings together the sovereign nation-states of self-determining peoples.

To argue that for the Jewish people to pursue self-determination, a respected principle that underpinned the other nation-state members of the UN, is racism, was at best to question the entire principle of self-determination for peoples, or at the very worst, to single out the Jewish people, and only the Jewish people, from ever pursuing this right. In doing so, those who participated in reviving this equation of Zionism to Racism betrayed the very mandate they were given to fight racism by perverting the very notion of racism and engaging in the age-old practice of finding a Jewish scapegoat to avoid dealing with deep and abiding problems at home.

Not content with undermining UN principles and betraying its mandate to fight racism, the Durban conference also made a major contribution to preventing peace. The decade between revoking and reviving “Zionism is Racism” demonstrated the role of vilification of Israel and Zionism in preventing peace. The revocation was part of the Madrid Conference, emphasizing the link between making peace and accepting Israel as a legitimate and even indigenous presence in the region, rather than a foreign implant that must be ousted with violence. This message was heard in Israel and brought about the revival of the Israeli peace camp, the election of a Labor government led by Prime Minister Rabin, the launching of the Oslo Accords, and a series of Israeli retreats from Gaza and the West Bank.



In stark contrast, the revival of the equation at Durban came only a few short months after Yasser Arafat and the Palestinian people violently rejected the boldest and most far-reaching proposal for ending the conflict by establishing a Palestinian state in the West Bank and Gaza, free of settlements, with Jerusalem as its capital, put forth by Ehud Barak, a successor to Rabin.

Rather than sending a message to Palestinians that Jews are a people with a deep connection to the land and that competing claims for the same piece of land are best settled by agreeing that while each side could have some of the land, neither will have it all, in vilifying Zionism the Durban conference turned the conflict into one between good and evil. Evil must be defeated and eradicated. One does negotiate border and security arrangements with evil. This message was heard in Israel loud and clear. Rather than encouraging Israeli peace-making, many in the international community preferred to sustain Palestinian violence and rejectionism.

Twenty years after convening, the Durban conference could look back on two decades of a successful policy of utter destruction. By vilifying Zionism as racism, the conference succeeded in undermining UN foundational principles, betraying its mandate to fight real racism by engaging in the ancient practice of scapegoating Jews and ensuring that peace is all but impossible. Quite a legacy.

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## **DURBAN 2001** **A SOUTH AFRICAN PERSPECTIVE**

By David Saks

In the weeks leading up to the now-notorious World Conference Against Racism (WCAR), South African Jewry was well aware that Israel would be coming under heavy, disproportionate fire. What had not been anticipated was how virulent and all-pervasive the onslaught would be, particularly during the preceding Non-Governmental Organisation conference. Even more unexpected was the extent to which radical anti-Israel sentiment would spill over into overt antisemitism, in Durban itself and to a more limited extent in other parts of the country. It was probably the most public, in-your-face series of attacks against the Jewish community in more than half a century. For those directly involved it was all the more traumatic for having taken place in a country that had recently negotiated an end to white minority rule and embarked on a hopeful new path of inclusive democracy.

In a very real sense, SA Jewry felt betrayed by the events of the WCAR, including the perceived failure of the country's leaders at the time to acknowledge and address what was happening. This would thenceforth have a significant impact on the way Jewish leaders engaged with government, the media, and civil society in the years that followed. In successive meetings with senior government leaders, much effort was devoted to showing how a conference ostensibly aimed at combating racism in all its forms had been allowed to degenerate into an antisemitic hate fest under the guise of 'criticism' of Israel.

South Africans feel justly proud about how they had come together to negotiate a peaceful transition from the racially discriminatory apartheid system to one based on fundamental democratic values of equality, inclusiveness, and freedom of expression, belief, and association. It, therefore, came as a particular shock to local Jewish participants at Durban to find themselves in an environment where those values were so palpably, and unashamedly, flouted.

As is well-known, Jewish participants at the NGO conference were subjected to continual harassment, vilification, and abuse. Beyond that, the few challenges they were in a position to mount against the well-organized flood of invective were consistently sabotaged (such as when a press conference and the Antisemitism Commission had to be cut short after being disrupted and a workshop on Holocaust Denial was canceled because of a planned march by 10,000 pro-Palestinian demonstrators on the Durban Jewish Club).

All this was the first exposure of the SA Jewish leadership to what is now commonly referred to as "Cancel Culture". Since the WCAR, there has been a steadily increasing number of such incidents in South Africa. In response, Jewish advocacy groups like the SA Jewish Board of Deputies, SA Zionist Federation, and SA Union of Jewish Students have worked together in counteracting these trends, especially on university campuses. In preparing for the annual "Israel Apartheid Week" (IAW) onslaught, a strategy aimed less at directly refuting anti-Israel allegations than at encouraging education and dialogue has been developed. This approach has been found to resonate strongly with the average student and in recent years it has been highly effective in blunting the impact of IAW.

Durban 2001 was a defining moment in which the ideology and strategies of the global anti-apartheid movement were adopted as a means of demonizing and delegitimizing Israel on the world stage. South African Jews have naturally been particularly vulnerable to the Israel=Apartheid slur, which continues to be used by the BDS lobby and its sympathizers to discredit and, in recent years, silence and sideline anyone who challenges that narrative.



As a result, much effort has gone into educating policy and opinion makers and the general public regarding the facts about Israel and its efforts to achieve peaceful co-existence with its neighbors. One strategy has been to organize regular fact-finding visits to Israel for journalists and politicians. These have helped to foster a more informed understanding of the realities of the situation, even if BDS-inspired threats and intimidation remain an obstacle in terms of getting people to participate.

A second area in which the Jewish community has to some extent been able to empower itself has been in the fostering of solid alliances with Christian supporters of Israel, many of whom are black and whose staunch support for the Jewish state has therefore gone a long way to discredit the "Apartheid Israel" slur. Such alliances did not exist at the time of the 2001 conference, and their emergence since then has been of great assistance to the Jewish community in confronting the anti-Israel boycott movement as well as identify as a proudly Zionist community.

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## **THE DURBAN LEGACY**

By William C. Daroff

When examining the long and fraught relationship between left-wing progressive political action, Jews, and the Jewish State, the UN World Conference on Racism and the parallel NGO Forum in Durban, South Africa stands out as a moment of supreme importance. Taking place during perhaps the final days of the post-Cold War consensus and the 1990's push for stronger human rights protections, it was also the most important indicator of a paradigm shift in the international discussion about Israel that continues to have ramifications to this day.

The shameful history of "Durban I" is, by now, very familiar. At preparatory and regional meetings leading up to the UN World Conference, some delegations attempted to insert the infamous language of United Nations General Assembly Resolution 3379, which declared that Zionism was equal to racism, into the final Durban Declaration and Programme of Action. After days of deadlock in Durban, the withdrawal of the US and Israeli delegations, and threats of withdrawal from the Canadian and Western European delegations, the final document left out nearly all references to Israel.

This minor victory was overshadowed by the carnival of horrors that was simultaneously ongoing at the NGO Forum. Comprised of over 3,000 NGOs and 8,000 delegates, Israel was placed front and center for condemnation and charged with apartheid, war crimes, acts of genocide, and ethnic cleansing. Reports of antisemitism in the NGO discussions were widespread, and the Conference secretary-general rejected the final document that was produced.

While analysis of the Conference quickly faded away, as the September 11th terror attacks occurred three days later, the ramifications continue to reverberate. Anti-Zionism and antisemitism, bedfellows in the NGO Forum, only became more closely linked in the following decades.

The BDS movement, based on the principles of delegitimization of Israel first expounded during the NGO Forum, is one of the products of that union. While BDS lures in progressives under the guise of human rights, it was founded with the explicit purpose of steadily undermining the very existence of a Jewish State.

Just months after the Durban Forum, in February 2021, the BDS movement on campuses when Students for Justice in Palestine (SJP) formed at UC Berkeley, launching the first divestment movement on campus. Since that time, we have seen hundreds of BDS campaigns on college campuses across the world. More recently, on campuses, intersectionality has linked the struggle for Palestinian rights with those of other indigenous and minority groups, both excluding Jews and framing the conflict between Israel and Palestinians through the lens of American racism. The rise of the antiracist movement in the United States over the past decade has brought the principles of the Durban Forum into sharp focus and has attempted to create the false choice for progressive American Jews to choose between their Zionism and their liberal values.

Protestors against police violence in Ferguson, Missouri after the death of Michael Brown, linked their struggle with Palestinians in Gaza and popularized the accusation that the IDF was training American police officers to brutalize minorities, a modern-day blood libel that has appeared on college campuses and in city councils across the United States. In 2016, the Movement for Black Lives released a policy platform that charged Israel with apartheid and genocide.



Founders of the 2017 Women’s March, the largest protest in American history, were unabashed supporters of the virulent antisemite Louis Farrakhan and berated a Jewish founding member with charges of collective Jewish exploitation of black and brown people. Dyke Marches banned the waving or carrying of Jewish Pride flags. On college campuses, violent protests have targeted Jewish students, while student governments are pushing exclusionary efforts to define antisemitism without input from the Jewish community. Recently, organizers of a Philadelphia food festival disinvited an Israeli food truck because they feared the aggressive and violent response of protesters.

As violence and hate crimes against Jews skyrocketed during the last several years, many progressive organizations, usually so quick to rally around threatened minority groups, have been absent and silent. In May 2021, as Operation Guardians of the Wall began, Jews were isolated from coalitions, demonized on campuses and by progressive leaders, and deemed advocates for a reactionary and blasphemous ideology that is equal to sexism, racism, fascism, and white supremacy. Politicians, progressive leaders, and others -- replacing the terms Jew and Judaism with Zionist and Zionism, were using familiar antisemitic tropes.

Twenty years after the Durban Conference, the events and incidents of the past few months show the line between antizionism and antisemitism has almost ceased to exist. We are experiencing now the results of twenty years of demonization, delegitimization, and double standards--tracing back to Durban.

*William C. Daroff is the Chief Executive Officer of the Conference of Presidents of Major American Jewish Organizations.*



## **DURBAN'S RIPPLE EFFECT** **ON INTERNATIONAL LAW**

By Natasha Hausdorff

As the 21st century reincarnation of the Zionism-is-racism slander, the United Nations' Durban conferences have become synonymous with vile and pervasive Jew-hate. The prominence of the Durban Conference at the United Nations, together with the fig leaf of anti-racism, has clearly had a broad impact, increasing incitement of antisemitism; we have seen a significant upsurge of antisemitic violent attacks around the world over the summer.

Crucially, while the Durban conferences represent a continuity of Jew-hate, their architects have adapted their approach in order to justify their hatred in a socially acceptable manner. The pretense of 'anti-racism' has provided a rationale that can pass in polite society but is in reality a vehicle for the modern incarnation of the ancient blood libel.

The legacy of the Durban conferences extends beyond the "Durban Declaration and Programme of Action". While nothing arising from the Durban conferences generates law, it has clearly generated an increasingly powerful and politicized 'pseudo law'. While the United Nations has no law-creating power, it is important to recognize that arguments will increasingly be made to the effect that the Durban activity impacts the rapid development of international law. This is especially objectionable where it concerns an allegedly sui generis situation, or a singling out of Israel, and where it is based upon falsehoods, misrepresentations, and blatant double standards, as part of attempts to develop 'international law rhetoric'.

The legitimacy of the international legal system must depend in significant part upon the equal application of the law. This is sorely lacking where the rhetoric of international law is being used to promote a modern, more acceptable incarnation of antisemitism across academic, civil society, and international organizations.

This 'pseudo-law' feeds an industry of NGOs promoting this false international law rhetoric, which is increasingly employed in transnational measures. In this sense, it might be said that this process is necessarily impacting international law, very much for the worse, and in two key ways. First, it dilutes the concept of international law, disconnecting it even further from actual law and devaluing the international legal system by muddying the waters. Second, it brings international institutions into further disrepute for their politicization.

The tactic that Durban IV represents is not a new one. It has for some time also been the official policy of the Palestinian leadership. In 2011, Mahmoud Abbas wrote in the New York Times: "Palestine's admission to the United Nations would pave the way for the internationalization of the conflict as a legal matter, not only a political one." This was Abbas' declaration of 'lawfare' and it has underpinned substantial activity across international legal institutions, including the United Nations, human rights treaty bodies, and international tribunals such as the International Criminal Court and the International Court of Justice.

Striking recent examples included the UN Human Rights Council's announcement of an 'Independent International Commission of Inquiry' on 27 May 2021, and the focus on the Durban Declaration at the UN Human Rights Council Advisory Committee's 26th session this month. It is important to recall that this legacy is inextricably linked with the NGO Forum at the Durban Conference 2001, where Israel was effectively accused of committing holocausts and of being anti-Semitic. The libels of Israeli ethnic cleansing and apartheid gained traction there and garnered legitimacy.



The synergy between the General Assembly's sanction of this 'international law rhetoric' and its employment in international legal institutions is inextricably linked with the industry of so-called human rights NGOs and civil society organizations, whose raison d'être is to manufacture allegations against Israel and promote them as legitimate legal analysis. Underpinning the International Criminal Court's investigation concerning Israel is a deluge of misinformation from dozens of these NGOs and purported experts, propagating smears. It has been the work of decades and the damage it is causing, not just to Israel but to the international rule of law, is immense.

In addition to the Jewish people, there are victims here that should not be overlooked. The real victims of human rights abuses and racism around the world suffer when attempts are made to manipulate the law for political purposes in this fashion. When we consider that in 2006, in its first year of operation, one hundred percent of the UN Human Rights Council's condemnatory resolutions targeted Israel, the nefarious work of that organization is unmistakable. Israel's status, as the only country in the entire world that has a permanent UNHRC agenda item dedicated to it, is inextricably linked to the Durban strategy.

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## **BDS ON CAMPUS** **20 YEARS ON FROM DURBAN**

By Michael Dickson and Max Samarov

The driving force behind anti-Israel activity on campus today is the global Boycott, Divestment & Sanctions (BDS) campaign against Israel.

BDS leaders claim their movement began in 2005, but in reality, campaigns to boycott and divest from Israel were launched on North American campuses as early as 2001, after the UN's notorious World Conference on Racism held in Durban, South Africa, at which the NGO Forum resolved to mobilize all organs of civil society for the battle against Israel.

These campaigns were largely initiated on US campuses by an American professor, Francis Boyle (a former advisor to the Palestine Liberation Organization), who urged students to organize and demand that their universities pursue "divestment and disinvestment" from Israel. Boyle had also urged Palestinian leaders to reject peace negotiations and 'let Israel collapse'. These early divestment campaigns were largely unsuccessful, partly due to their unfavorable association with the Durban Conference, so in 2005 they were re-launched and re-branded through a new call for boycott, this time purporting to be initiated by "Palestinian Civil Society". The western activists, it was asserted, were merely responding to the Palestinian call for solidarity. Over time, the toxicity of the Durban Conference became more widely known, BDS pivoted to move away from the connection.

Students who express support for the basic and inherent rights of the Jewish people and their national home are confronted by the most organized, motivated, and effective campus activism in recent memory. This activism aims to gradually erode the solid base of support for Israel at the highest levels of Western society. The predominant tactic for achieving this aim is the BDS movement.

BDS on campus poses a threat to Israel's ability to engage with the world both through the boycotts and divestment it pursues and the broader campaign of demonization that is at its core. BDS activism also constitutes an immediate and persistent attack on the freedom of Jewish and pro-Israel students to express their views, to peaceably assemble, and to participate in student life free from harassment, intimidation, and abuse.

The appeal of the campus for BDS leaders is two-fold. Firstly, it allows them to focus their propaganda efforts on people who are still developing their views of the world and are thus particularly susceptible to persuasion. Secondly, when BDS successfully pressures student governments to adopt anti-Israel measures it taps into the symbolic power of universities to influence public opinion at large. For these reasons, the campus has emerged as a key battleground in the campaign against Israel.

BDS's claim that it broadly represents Palestinian society is questionable at best. There certainly are Palestinians who support the movement, but it is not clear how many. Leading pro-Palestinian activist Norman Finkelstein said the following about the organizations behind the so-called Palestinian civil society "call for BDS" in the West:



"Who are these organizations? They're NGOs in Ramallah, one-person operations, and they claim to represent what they call 'Palestinian Civil Society'. If they really were Palestinian Civil Society as they claim, then why can they never organize a demonstration of more than 500 people? ...They're just Ramallah NGOs which represent absolutely nothing..."

What does the BDS movement want? Here is BDS in their own words:

*"We oppose a Jewish state in any part of Palestine"* – Omar Barghouti

*"BDS does mean the end of the Jewish state."* – Ahmed Moor, leading BDS activist

Taking a leaf out of the book of tactics from anti-Israel activists at the Durban Conference, BDS activists on campus are running impactful, strategic campaigns with the aid of outside professionals from national and international organizations. The unambiguous and often-stated aim of these campaigns is to cast Israel as a criminal, imperial enterprise whose continuing existence is incompatible with peace or justice for the Palestinian people. The movement is inherently destructive. It aims to destroy dialogue between the parties to the conflict, to destroy co-operation between western students engaged in this issue, to destroy any prospect of respectful, open academic debate or inquiry; and ultimately, if it is able to, it aims to bring about the isolation and destruction of the Jewish national home itself. Yet the implications of this activism extend far beyond Israel and the students who dare defend it. BDS on campus and the tactics employed by its activists constitute an affront to the integrity of the university as a safe place of learning, community, and intellectual freedom.

In order to counter this, it is necessary to communicate a narrative about Israel that is compelling on a personal, emotional, and intellectual level. It is necessary to articulate a just and tolerant vision for peace in the Middle East. It is necessary to mobilize the pro-Israel based around a core message and campaign. It is necessary to build lasting coalitions with diverse groups and relationships with influential student leaders. It is necessary to take back student governments from the grips of destructive, hateful activists. And it is necessary to run proactive campaigns that set the agenda on campus. If these measures are pursued with resilience and resolve, they will ensure that students play a constructive role in helping Israelis and Palestinians build a just and peaceful future together.

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## **DURBAN** **THE RACIST ANTI-RACISM CONFERENCE**

By Russell A. Shalev

During the May 2021 Gaza conflict, a line was crossed. While Israelis ducked in bomb shelters to avoid Hamas-launched rockets, Diaspora Jews around the world found themselves on the front lines as well. In major cities around the world, frenzied mobs gathered to denounce Israel, Jewish institutions were vandalized and defaced, and individual Jews were attacked and harassed.

On the eve of the Jewish festival of Shavuot, a convoy of cars flying Palestinian flags drove through Jewish neighborhoods in North London screaming "f\*\*\* the Jews, rape their daughters."

In Germany, hundreds of anti-Israel protesters surrounded a synagogue in Gelsenkirchen, chanting "sh\*\*\*y Jews", while elsewhere, protesters burned Israeli flags in front of synagogues. Across other European cities, gangs of Islamists chanted "O Jews remember Khaybar, the armies of Muhammad will return", taunting them with a repeat of the 7th century Khaybar massacre of Jews in Arabia.

These extreme manifestations of anti-Israel-directed Jew-hatred did not appear out of nowhere. They are the poisonous fruits of an ideological campaign whose opening salvo was launched at the 2001 Durban Conference, ironically known as the World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance.

"As the two-decade anniversary of the conference approaches, it is worth remembering how Durban laid the grounds for an all-out propaganda war against the Jewish state and Jewish peoplehood. Many of the themes that took center stage at the Durban Conference became main tropes of "the new antisemitism" - denial of Israel's right to exist, demonization of Zionism, all the while gaslighting Jews by denying that such things are antisemitic. These very themes later became the basis of the widely adopted International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism.

The Durban Conference, as its name suggests, was intended to be a world summit dedicated to fighting racism and discrimination. In the preparatory meetings running up to the conference, radical NGOs, Palestinian groups, and delegates from the Organization of Islamic States hijacked the proceedings and injected rabidly anti-Israel and antisemitic language.

These radical activists worked to remove reference to "the Holocaust" from the draft texts, replacing it with "holocausts". They added language uniquely referring to supposed Israeli crimes, or such outlandish phrases as "Zionist practices against Semitism"- intended to obfuscate and confuse the true meaning of antisemitism (ie. hatred of Jews). Activists distributed blatantly antisemitic material such as the Protocols of the Elders of Zion and caricatures of hook-nosed Jews.

"At the NGO summit that ran parallel to the official UN-sponsored conference, the final text adopted by the participants called upon all states to "impose a policy of complete and total isolation of Israel as an Apartheid state as in the case of South Africa". This strategy eventually crystalized into the Boycott, Divestment, Sanctions (BDS) campaign - one of the primary vectors for contemporary antisemitism and hostility towards the Jewish state.



Durban, therefore, was the catalyst for a virulently anti-Israel form of antisemitism (often known as “the new antisemitism”) that is based on the denial of Jewish historical ties to the land of Israel, the “racialization” of Zionism and its identification with the crimes of apartheid and genocide. This new antisemitism denies Jews the right to recognize their own oppression, instead accusing Jews of weaponizing the charge of antisemitism to maliciously shield themselves from criticism. Classic antisemitic stereotypes such as Jewish bloodlust and conspiracies have been updated and repackaged against the State of Israel.

By associating Israel with racism, genocide, and apartheid, (rightfully) considered some of the worst crimes known to man, anti-Zionists create a justification for the Jewish state’s destruction. Diaspora Jews, many of whom share deep ties with the State of Israel, have become targets for exclusion, disenfranchisement, and even violence. Anti-Zionists have revived the hateful “Jewish disloyalty” trope, portraying Jews as a malevolent fifth column, shilling for Israel at the expense of their home countries.

On the eve of the 20th anniversary Durban Conference, slated for September 2021 under the official auspices of the United Nations, eleven countries have stated they will not participate, citing antisemitic concerns with the conference. Despite the importance of this step, a boycott of Durban isn’t enough. It is incumbent upon states that value human rights to reject the entire movement that Durban represents: anti-Zionism and anti-Israelism. Certainly, every one of the over 30 countries that have adopted the IHRA definition must make good on their commitment to fight antisemitism.

As the events of May 2021 demonstrate so clearly, there is a direct line between delegitimization of the Jewish state and violent attacks on Jews. Although Israel-haters may sell anti-Zionism as trendy and progressive, it is a regressive revival of antisemitism, the world’s oldest hatred. As antisemitism in the West reaches levels unseen since the end of the Holocaust, the 20th anniversary of Durban is the perfect opportunity to reaffirm the struggle against anti-Zionism and Jew-hatred.

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