TIMELESS RACISM

A Study of the Evolution of the Concept of Racism in

the United Nations' World Conferences Against Racism (1978–2001)

JEREMY SAMUËL VAN DEN ENDEN

Thesis Bachelor of Arts

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JEREMY SAMUËL VAN DEN ENDEN

Student Number: 6151426

Utrecht University

Department of History (15 ECTS)

Language and Culture Studies (TCS)

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"Racism is a blight on the human conscious. The idea that any people can be inferior to another, to the point where those who consider themselves superior define and treat the rest as subhuman, denies the humanity even of those who elevate themselves to the status of gods."

~ Nelson Mandela, 2011[1]

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[1] Nelson Mandela, Edited by Pan Macmillan, *Nelson Mandela By Himself: The Authorised Book of Quotations.* (2011) p. 323.

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ABSTRACT

Advocacy against racism has been a principal element of the human rights mechanism of the United Nations ever since the *Universal Declaration of Human Rights* in 1948. This thesis examines the conceptualization of racism within two United Nations World Conferences Against Racism (1978 and 2001) that were designed within this mechanism and analyzes whether the conceptualization of racism changed between the two summits. The general claim of this thesis is that racism, as a highly normative concept, is directly influenced by historical socio-political developments, and concludes that the conferences in 1978 and 2001 each present a different approach to racism. In 1978, the concept of racism was deliberately shaped to support the United Nations' struggle against the social segregation policies in South Africa (apartheid). In 2001, however, the conference presented a much broader, and less implicit conceptualization of racism, as the conference was set in a period of transformation within the UN in regard to its human rights mechanism. With this comparative case-study, this thesis shows how socio-political currents, as well as the organization of the conference and the influence of individual delegations have the ability to cause significant fluctuations in the conceptualization and definition of racism, indicating that ideology within the framework of human rights is highly politicized and constantly shifting.

Keywords:

racism, racial discrimination, human rights, United Nations, UNESCO, World Conferences Against Racism, apartheid, Zionism, crime against humanity, international relations

TIMELESS RACISM

ABBREVIATIONS

EEC   *European Economic Community*

ICC   *International Criminal Court*

PA   *Programme of Action*

PRE   *Preamble*

UDHR   *Universal Declaration of Human Rights. United Nations.*
       Paris, France, December 10, 1948.

UN   *United Nations*

UNESCO   *United Nations Educational, Scientific and Cultural Organization*

UNGA   *United Nations General Assembly*

WCAR I   *World Conference to Combat Racism and Racial Discrimination (or: First World Conference Against Racism). Geneva, Switzerland, 1978.*

WCAR II   *Second World Conference to Combat Racism and Racial Discrimination (or: Second World Conference Against Racism). Geneva, Switzerland,1983.*

WCAR III   *World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (or: Third World Conference Against Racism). Durban, South Africa, 2001.*

WCAR IV   *Review Conference World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (or: Fourth World Conference Against Racism). Durban, South Africa, 2009.*

WCHR   *World Conference on Human Rights. United Nations. Vienna, Austria, 1993.*

INTRODUCTION

PARIS, 1948

> "Whereas recognition of the inherent dignity and of the equal
> and inalienable rights of all members of the human family is the
> foundation of freedom, justice and peace in the world."[2]

These were the first words of arguably the most notable document in the history of international politics for the fight for what became known as *human rights*. Under the political supervision of the newly formed United Nations (UN), a group of diplomats and politicians established the declaration that would state the "inalienable rights" for every single person on this planet – no matter one's gender, nationality, social status or religious beliefs. This *Universal Declaration of Human Rights* (UDHR) was signed in Paris on December 10, 1948.[3] With the UDHR the United Nations quickly developed into one of the world's leading actors in the international struggle for human rights.[4]

The ideal of universal equality was radiated throughout the entire Declaration and reflected the shared normative foundation of the United Nations. Though the UN remains a democratic body of its member states under the UN Charter, the UN has a strong ideological character, with the ideal of equality at its core. As a result, the UN became a leading actor for the international fight against all kinds of inequality, entangled in human rights.[5]

The prevalence of racism was one of these forms of inequity, which counted an ample range of different manifestations across the world and throughout time. For this reason the

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[2] United Nations General Assembly, *Universal Declaration of Human Rights*, A/RES/217A. (Paris, December 10, 1948) *PRE.*

[3] Ibid.

[4] Jack Donnelly, *Universal Human Rights in Theory and Practice.* Ithaca, Cornell University Press. (Third Edition, New York, 2013.) p. 16.

[5] United Nations Educational, Social, and Cultural Organization, "UNESCO: Leading the World's Fight Against Racism for 70 Years," Website. https://en.unesco.org/70years/leading_fight_against_racism (Accessed September 2019) And: United Nations, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI. *I.I.*

UN emphasized that an international united front against racism was required, and undertook steps to create a new, specified framework against racism in the 1970s.[6] Various historians in the field of human rights recognize the late 1960s and 1970s as a 'new wave of human rights activism', with dominant socio-political events, such as the radicalizing apartheid policies in South Africa and aggravating conflicts such as the Vietnam War.[7] These events, among others, inspired the United Nations General Assembly (UNGA) to proclaim 1973-1983 as the "Decade to Combat Racism and Racial Discrimination," by which the UNGA emphasized the need for continuous anti-racism advocacy.[8] With this resolution, the organization called for a conference in spirit of the 'Decade', which resulted in the *World Conference to Combat Racism and Racial Discrimination*, held in Geneva, Switzerland, in August 1978.[9] This was the first of four World Conferences Against Racism: 1978 (Geneva); 1983 (Geneva); 2001 (Durban); 2009 (Durban).

At these conferences, the spirit of the UDHR was more apparent than ever. What was important to realize, however, was that within the ideology of these "equal and inalienable rights" – of which equality of races was the first – existed the dimension of *time*. The UDHR, and with it all of the United Nations and all conferences under its supervision, shared not only the ideological conviction that these rights were accountable for all people *everywhere*, but also of *all times*.[10] This posed a significant problem for the conceptualization of all terms that were directly linked to human rights, for their definitions are linked to a certain notion of timelessness. Are human rights timeless, then, just as their ideology suggests?

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[6] Samuel Moyn, "Personalism, Community, and the Origins of Human Rights," In: Stefan-Ludwig Hoffmann, *Human Rights in the Twentieth Century*, Cambridge University Press. (Cambridge, 2010) p. 105–106.

[7] Jack Donnelly and Daniel Whelan, *International Human Rights*: *Dilemmas in World Politics* Westview Press, Hachette Book Group. (Fifth Edition, New York, 2017) p. 19-21.

[8] United Nations General Assembly, *(XXVIII) Decade for Action to Combat Racism and Racial Discrimination*, A/RES/3057. (November 2, 1973) *PRE.*

[9] Ibid.

[10] UNGA, *Universal Declaration of Human Rights,* A/RES/217A. (1948) *PRE.*

Significant research has been conducted to examine the position and meaning of human rights ideology within political frameworks. Lynn Hunt directly questioned the 'universality' of human rights, claiming that empathy and emotion are vital factors that make the ideology fluctuate over time.[11] Samuel Moyn emphasized how discrepancy has its toll on the idealism of human rights.[12] Mark Mazower and Jack Donnelly claimed that power relations continuously affect the ideals of human rights as well.[13] These authors, among others, have instigated the claim that human rights – including subcategories such as racism – are not as timeless as they are presented in the UDHR.

World Conferences Against Racism

This thesis seeks to continue in this line of thought by examining how the conceptualization of 'racism' has been defined within the World Conference to Combat Racism and Racial Discrimination (WCAR I) of 1978 and its second predecessor in 2001, the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR III). This research will analyze how the concept of racism was presented in these meetings, by thoroughly examining the respective conference reports and their preparations, analyzing the usage of terms related to racism and situating related choice of words within the broader international political context. Note that the second and fourth WCAR are deliberately left out of the analysis, for these functioned as review conferences of the others.[14]

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[11] Lynn Hunt, *Inventing Human Rights: A History,* W.W. Norton (New York and London, 2008)

[12] Samuel Moyn, *The Last Utopia.* Harvard University Press, (Boston, 2012) And: Samuel Moyn, *Not Enough: Human Rights In An Unequal World,* Harvard University Press, (Boston, 2018)
And: Moyn, "Personalism, Community, and the Origins of Human Rights," p. 85–106.

[13] Jack Donnelly, "Cultural Relativism and Universal Human Rights," *Human Rights Quarterly* Vol. 6: No. 4. (1984) p. 400. And: Mark Mazower,"The Strange Triumph of Human Rights, 1933-1950," *The Historical Journal* Vol. 47: No. 2. (2004) p. 379-398.

[14] United Nations, "Some States still do not recognize racism's existence, UN rights chief cautions," Website. https://news.un.org/en/story/2008/04/256812-some-states-still-do-not-recognize-racisms-existence-un-rights-chief-caution (Accessed November 2019)

Just as the discourse of 'human rights' has been critically assessed in political terms, this research seeks to add to the academic debate of racism by engaging in an examination of a comparative case-study of the first and third World Conference Against Racism. First of all, WCAR III, held in Durban, South-Africa, has been given the vast majority of academic attention, whereas the other three conferences account for relatively little attention in academic spheres. Therefore, this research provides a deeper apprehension of the conferences as a series, by focusing not just on the third.

Second, in relation to the general academic debate revolving around the conferences, various remarks have been made that suggest a hypocrisy in its ideology. Therefore, in this research, it is important to relate the specific terminology of racism with the political influences that are at play at the time of the conferences. In the analysis of the documents, this has several effects. For example, one must not forget that the United Nations itself is a political actor, with an organizational structure and hierarchy which directly influenced the way the conference documents were drafted. Thus, this research does not limit its focus to the final reports of the conferences only, but explicitly takes the preparation processes as well. This way, differences in organization of the conferences will be analyzed as well. Also, this research seeks to draw a parallel between the terminology of racism in the documents with the specific manifestations that are dealt with in the conference. As the last two chapters will explain, examples of such manifestations are the apartheid regime in South Africa and Israeli Zionism.

Expert on human rights and development studies, Anne Bayesfky, focused on the latter and concluded that the UN – by means of WCAR III in 2001 – engaged in racist practices itself, due to an overly condemning attitude against Zionism both in and outside of Israel.[15] Zionism, in her explanation, was demonized throughout WCAR III.[16] 'Zionism', as implied

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[15] Anne Bayefsky, "The UN World Conference Against Racism: A Racist Anti-Racism Conference," *American Society of International Law Proceedings* Vol. 96: No.1. (2002) p. 65-74.

[16] Ibid. p. 69-70.

here, referred to Israeli policies that favored the Jewish community over other ethnicities, whereas 'antisemitism' refers to discrimination against Jews in general.

Though this affirmed the complexity of racism within international political structures, this research does not seek to analyze whether the UN was 'racist' or not. Rather, this thesis seeks to explain how the organization defined the concept of racism in these conferences, where clearly the tension of racism was highly cultivated.[17] The examination of the Third World Conference Against Racism in the third chapter will thus explore the notion of Zionism in the conference reports.

All authors mentioned above suggested that defining racism is a complicated process, though not impossible. Developments in society or politics have their continuous impact on the implication and interpretation of the term, so the general academic debate concluded. In a way, this research will therefore apply and test this claim by analyzing the conceptualization of racism by combining two major components of the UN's conceptualization of racism in 1978 and 2001: terminology and associations on the one hand and historical, socio-political context on the other.

This analysis will be executed with a comparative approach, through an examination and comparison of official conference documents from both conferences, divided into preparation documents for the conferences and documents that resulted from the conferences. These reports will be laid out, filtering the terminology adopted to explain or contextualize 'racism', as well as intersectional approaches, practical associations and other socio-political contextual appliances. With this approach, this thesis carefully examines human rights discourses of racism, in order to single out changes over time.

In order to do so properly, an overview of the academic debate of the struggle to define 'racism' as a concept will be presented in the first chapter. The study of 'racism' as an evolving concept has raised questions to attenuate a presumed 'fixed definition' of the concept;

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[17] Ibid.

unaffected by the ravages of time. George Fredrickson emphasized how racism established and developed itself in different ways around the globe, demising its ability to be defined in simple terms.[18] What racism entails is shaped by socio-political developments – a notion of power relations discussed by authors such as Gloria Wekker, John Tosh, Kimberle Crenshaw and Robert Barlett.[19] In the first chapter, their conceptualizations and perspectives of 'racism' will be further unfolded, in order to apprehend the academic backdrop of the study of the framework of racism.

Their understanding and elaboration of the complexity of the concept of racism will be recurring in the chapters that follow, in which a textual analysis of the conference documents will be thoroughly presented. Chapter Two starts with the analysis of WCAR I in Geneva, 1978, in which the analysis of the respective documents will be thematically assessed. The chapter lays out how specific usage of terminology related to racism evoked serious political debate in the conference and unfolds how the reports convey a specific conceptualization of racism that revolved around the struggle of the UN with South Africa's apartheid.

In the last chapter, a similar approach will be applied to WCAR III in Durban, 2001, while immediately comparing the presented frameworks with the results from Chapter Two. In doing so, the third chapter unveils how in 2001 the United Nations let go of a concise conceptualization of racism and was searching for a broader concept that fit within a transformed mechanism for human rights advocacy.

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[18] George M. Fredrickson, *Racism: A Short History*, Princeton University Press, (Princeton, 2015)

[19] Gloria Wekker, *White Innocence: Paradoxes of Colonialism and Race.* Duke University Press Books. (Durham, 2016) And: John Tosh, *The Pursuit of History*, Taylor and Francis, (Hoboken, 2013) And: Robert Bartlett, "Medieval and Modern Concepts of Race and Ethnicity," *Journal of Medieval and Early Modern Studies* Vol. 31: No. 1. (2001) p. 39-56. And: Kimberle Crenshaw, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics," *University of Chicago Legal Forum* Vol. 1989: No. 1 (1989) p. 139-168.

CHAPTER ONE

THE DISCOURSE OF RACISM

Throughout time the word *racism* has gained significant ground within social, cultural and political spheres. Along with its rise in the public domain, the word has received similar attention within academic circles. As mentioned, this thesis will contribute to the general debate of defining and examining the concept of racism, by analyzing and contrasting the conceptualization of the term in political conference documents. Yet, without apprehension of the debate around the concept in general, no analysis of a specific case-study could be properly executed. Therefore, before examining how the word is brought forward and defined in the documents of the World Conferences Against Racism, this chapter will provide a closer look on the academic debate which revolves around the term.

Here, a selection of highly acclaimed and influential authors will be briefly touched upon, as their contributions to the academic debate have been applicable for this research. Their conclusions accumulate to a series of hypotheses, focal points and suggestions that are not only inspirational for the research of the WCARs, but make up the foundation of the academic perspective adopted in this analysis.

The Dictionary Development of 'Race'

In the broadest sense, 'racism' refers to differentiation on the basis of 'race' on the one hand, where differentiation is often equated with 'discrimination'. On the other hand, 'racism' refers to a belief that cherishes a certain notion of classification that is often characterized by hierarchical elements, resulting in prejudice and bias. In his *Racism: A Short History*, George Fredrickson summarized 'racism' in the following way:

> "Racism as I conceive it is not merely an attitude or set of beliefs; it also expresses itself in the practices, institutions, and structures that a sense of deep difference justifies or validates. Racism, therefore, is more than theorizing about human differences or thinking badly over a group over which one has no control."[20]

His definition placed an emphasis on the complexity of defining the term, because the definition of racism translates itself through the practices it conveys in society. The 'practices' can take up many forms, thus the definition of 'racism' is not a fixed theory of some sort, but closer to a social phenomenon that evolves in the heart of society.

One of the reasons for this complexity is the uncertainty and debate concerning the interpretation of the word 'race'. Therefore, to comprehend the definition of the term 'racism' it is necessary to define 'race' itself first. In his linguistically oriented historical study, scholar Nicholas Hudson analyzed the development of the word 'race' in history by analyzing dictionaries.[21] These definitions, he explained, are a reactive force that reflect the conceptualizations of words that people express in society. In 1694, the first definition of the term was documented in the *Dictionnaire de l'Académie Française*, which referred to the notion of 'lineage' of both humans and animals.[22] In the second half of the eighteenth century, the general idea of the term remained genealogical, though some dictionaries and encyclopedias inclined to specify 'race' toward 'noble race', referring to its link to genetic family connections.[23]

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[20] Fredrickson, *Racism: A Short History,* p. 6.

[21] Hudson, Nicholas, "From 'Nation to "Race': The Origin of Racial Classification in Eighteenth-Century Thought," *Eighteenth-Century Studies* Vol. 29: No. 3. (1996) p. 247-264.

[22] Ibid. p. 247.

[23] Ibid.

It was not until 1835 when the first "modern notion" of *race* was recorded in dictionaries.[24] This "modern notion", as Hudson called it, referred not only to a shared heritage, lineage or geneography, but also to an *exterior* accordance of some sort:

> "A multitude of men who originate from the same country, and resemble each other by facial features and by exterior conformity."[25]

This development, so Hudson claimed, did not account for a term that gradually specified itself, but rather emphasized how in the early modern times the term 'race' acquired the scientific backdrop of human classification. He linked the adaptation of the definition with the evolution of scientific racism in early modern times. Anthropological developments that started to classify groups of man in terms of exterior appearances had significant influence on the new definition of 'race' – hence Hudson's explicit distinction of the 'modern notion' of 'race'. Trends in anthropology, which included the accurate study of people's exterior appearances, gradually but strongly affected the conceptualization that people assigned to the word 'race'. Hudson concluded that through the course of the scientific revolution on the one hand and rising trends in colonialism on the other, 'race' as an arbitrary concept became mixed up with 'nation', resulting in socio-political turmoil – an "explosive mixture" of socio-political relations.[26]

Historian Robert Barlett, continued in this line of thought by defining 'race' as "the identifications made by individuals about the groups they belong to."[27] Here, the same notion of arbitrariness was recognized, as Barlett distinctively stressed that the classifications of 'race'

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[24] Ibid.

[25] Ibid.

[26] Ibid. p. 248.

[27] Ibid. p. 241.

are "made by individuals".[28] Barlett emphasized that the definition of racism is, to say the least, complicated, and thus must be handled with caution, for the specific interpretation of racism *differed* throughout time. Medieval classification on the basis of exterior features differed from anthropological studies conducted in the scientific revolution, resulting in different practical implications of 'race'.[29] Biological determinism, other than geographic determinism, "made a color-coded racism seemingly based on science thinkable," influencing 'racism' as a concept. Its definition was constantly adapted by various opinions and theories to fit the specific socio-political current, not formed by a single, linear evolution.[30] "Racism is a system", civil rights activist Camara Phyllis Jones added, and is therefore "an important aspect of our social environment" and manifests itself in "access to power;" racism is shaped through socio-political developments.[31] In her assessment of anti-racism advocacy in regard to fair treatment in health systems, she mentioned that the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001 in South Africa was among the international community's important "recent documents that cite the importance of paying attention to racism and its impacts on health."[32]

Jones was not the only academic who linked the general debate on defining the ideology of racism with the Third World Conference Against Racism. Samir Amin, in his article, "World Conference Against Racism: A People's Victory", laid out how WCAR III was part of an international trend to start addressing more explicitly through international, and national legislation - in a sense that universality of human rights was applied in a new, globalized norm. [33] He called WCAR III "a people's victory", because it supposedly returned

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[28] Ibid. p. 241-242.

[29] Ibid. p. 45.

[30] Fredrickson, *Racism: A Short History,* p. 64.

[31] Camara Phyllis Jones, "Confronting Institutionalized Racism," *Phylon.* Vol. 50: No. 1/2. (2002) p. 9-10.

[32] Ibid. p. 9.

[33] Samir Amin, "World Conference Against Racism: A People's Victory," *Monthly Review* Vol. 53: No.7. (2001) p. 19-20.

the notion of racism to its original discourse of universal equality, rather than a selective view on what is racism or not.[34]

Therefore, just as Hudson expressed plainly, a need for contextualization is crucial. This claim must be carefully applied to the political documents of the two World Conferences Against Racism, as they do not share the same socio-political environments. This leads to the central problem of this research, namely that in the WCAR I and WCAR III the concept of 'racism' was not the same either, because of the arbitrary elements hidden underneath its surface, constructed through different social and political relations at the time.

Multi-Axis Definition of Racism

Whereas Barlett repeatedly emphasized the wide range of definitions that 'racism' embodied as a collective term, others claim that even with this broad range of definitions, it still does not cover the full impact of 'racism'. In her praised work on racism within policy-making, Professor of Law, Kimberle Crenshaw, has vouched for an even broader definition of racism.[35] In her research, she focused on the position of black women in the United States of America and how they undermine and distort their social position.[36] In a very thorough analysis, she described how the concept of 'racism' has the tendency to limit its effects towards the presumed categories the term upholds. In more simple words, Crenshaw explained how 'racism' is often only looked at from the perspective of 'race' and the differentiation that the concept brings forward, such as categorization on the basis of one's skin color. She does not refute this tendency completely, but wishes to broaden the term, by explaining that 'racism' goes beyond mere 'racial' categorization.

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[34] Ibid.

[35] Crenshaw, "Demarginalizing the Intersection of Race and Sex," p. 139–168.

[36] Ibid. p. 139-141.

Racism, as Crenshaw deconstructs the term, is a belief in the superiority of one race over another, but stretches further than solely 'race'. In policy-making racism is not as 'black and white' as the term might suggest, because in reality the belief in superiority is divided into more categories than simply 'race'. Here, Crenshaw explicitly focused on the additional distinction of sex, for she claimed the racism towards women of color is not equivalent to racism towards men of color. This intersectional approach opened up new perspectives to racism in general:

> "With Black women as the starting point, it becomes more
> apparent how dominant conceptions of discrimination condition
> us to think about subordination as disadvantage occurring along
> a single categorical axis."[37]

With this claim, one could critically assess the notion of 'racism', as it would fit the description of a "dominant conception of discrimination."[38] Racism, in line with Crenshaw's claims, is closely intertwined with frameworks of discrimination, of which the lines of interpretation are not transfixed. The definition of the term is not entirely defined by what the term itself suggests: discrimination on the basis of race. Rather, Crenshaw highlighted that the way that the phenomena are recognized in society are much more complicated. For this reason, she calls out for additional research in the field of racism's conceptualization.

This research seeks to take up a similar critical perspective towards the boundaries of the concept of racism as brought forward in the WCARs. Directly assuming 'racism' only refers to differentiation on the basis of 'race' – a term that has already been explained to be fluctuant in its definition – could result in a limited perspective on its effects. Hence the

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[37] Ibid. p. 140.

[38] Ibid.

following questions are posed in this research: is race the only factor of 'racism' as presented in the conference documents; what external forms of categorization are made in the conference documents, and what does this say about the conceptualization of 'racism'?

Kimberle Crenshaw was not the only academic in the field of racism that called for a broader, intersectional approach towards the comprehension of racism. Dutch historian Gloria Wekker laid out in her work *White Innocence: Paradoxes of Colonialism and Race* how racism is structured by power dynamics in society.[39] Wekker highlighted the fact that racism resonated a deliberate, direct form of differentiation on the basis of race, origin, nationality, ethnicity or identity of any form.[40] Here, her conceptualization of racism expressed more categories than solely race; strengthening Crenshaw's claim that external categories are vital for apprehending one's interpretation of racism.

On a critical note, adding external categories, such as gender, language, age, wealth, origin or identity, – just to name a few examples – one could claim that racism is not a socio-political concept, but a personal matter, not subjected to larger structures in society. George Fredrickson dedicated an entire chapter of his work analyzing the historical discourse of 'racism':

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[39] Wekker, *White Innocence*, p. 5–8.

[40] Ibid.

> "[The most prominent element of racism] is the social and political side of the ideology – its linkage to the exercise of power in the name of race and the resulting patterns of domination or exclusion. To attempt a short formulation, we might say that racism exists when one ethnic group or historical collectivity dominates, excludes, or seeks to eliminate another on the basis of differences that it believes are hereditary and unalterable."[41]

Racism is not just the direct form of discrimination on the basis of exterior features, or *race*, but also refers to the inherent structures that have manifested in the behavior and political ideologies of a state, or other political entities. Therefore, in the second and final chapters, where the conferences are analyzed respectively, deliberate attention will be paid to the categories of discrimination linked to race, other than focusing on 'race' alone. A comparison between the list of external categories expressed in the WCARs will help to establish the extent and focus of discrimination as it was expressed and defined in these conferences. With the contributions of these various authors, the analysis of the conference's terminology and context can be carefully and adequately conducted, starting with WCAR I in Switzerland in 1978.

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[41] Ibid. p. 170.

CHAPTER TWO

GENEVA, 1978

On December 16, 1977, the United Nations General Assembly adopted resolution 32/129, in which it decided to convene the following year in the World Conference to Combat Racism and Racial Discrimination (WCAR I) in Geneva, Switzerland.[42] The Conference was envisioned to be the highlight of the UN Decade to Combat Racism and Racial Discrimination, 1973-1983. The purpose of WCAR I was to examine "the adoption of effective ways and means and concrete measures for securing the full and universal implementation of United Nations decisions and resolutions on racism, racial discrimination, apartheid, decolonization and self-determination, as well as the accession to and ratification and enforcement of the international instruments relating to human rights and the elimination of racism and racial discrimination."[43]

As its title suggests, the World Conference to Combat Racism and Racial Discrimination of August, 1978, dealt with the concept of racism explicitly. This chapter will look into several publications by the United Nations and related organs that were either part of the preparation for the Conference or directly resulted from the Conference. Following the major themes that were instigated in the previous chapter, such as the importance of the socio-political context, intersectionality, and the arbitrariness of race as a broad concept, the discourse of racism will be analyzed, examining how the concept of racism was defined within WCAR I.

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[42] United Nations General Assembly, *World Conference to Combat Racism and Racial Discrimination,* A/RES.32/129. (December 16, 1977), *3.*

[43] UNGA, A/RES/3057. (1973) *Annex. 13.a.*

Process of Preparation

For a conference with such a global scale and theme as WCAR I, the preparation was a long and thorough process. Over two hundred delegations from all over the world had their individual share in such a conference, making this process far from uncomplicated. Therefore, this chapter starts by examining this preparation process, which set the tone for the upcoming Conference.[44]

The first notable document that was part of this process was the report of the United Nations General Assembly (UNGA) in 1973, which discussed the outline for the Decade for Action to Combat Racism and Racial Discrimination that had just begun.[45] Here, the UNGA created an atmosphere that resonated through the entire Conference, as various connections were drawn towards the conceptualization of racism.

In general, racism as presented here, referred to a notion of distinction, which was specifically set apart from *discrimination*; hence the two different elements in the title: "racism" on the one hand, and "racial discrimination" on the other. This distinction will be further analyzed later on in this chapter. Whereas 'racism' would suggest a distinction on the basis of race, the UNGA expressed a larger set of characteristics incorporated within the term: racism referred to a "distinction of any kind on grounds of race, colour, descent or national or ethnic origin."[46] This showed similarities with Hudson's assessment of racism, which focused on elements of exterior conformity ("color") and descent ("descent or national or ethnic origin").[47]

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[44] Respectively: UNGA, A/RES/3057. (1973) *Annex 13.a.* And: UNGA, A/RES.32/129. (1977) And: United Nations, *Report of the World Conference Against Racism and Racial Discrimination: Geneva, 14-25 August 1978*, A/CONF.92/40. (1979) *Annex. III.*

[45] UNGA, A/RES/3057. (1973)

[46] Ibid. *Annex. 15.d.v.*

[47] Hudson, "From Nation to Race," p. 247-249.

An apparent specification of racism was informed by the proposed scale of the conference, which formulated racism as an *international* phenomenon. The document opened with the following words:

> "The General Assembly, reaffirming its firm resolve to achieve
> the total and unconditional elimination of racism and racial
> discrimination, against which the conscience and sense of justice
> of mankind have long been aroused and which in our time
> represent serious obstacles to further progress and to the
> strengthening of international peace and security."[48]

Words such as "mankind" and "international" declared that the Conference posed racism as a global phenomenon. However, as Barlett emphasized in his work, the practical associations of racism illustrated what it actually entailed.[49] Thus, the specific manifestations of racism that Geneva brought forward will disclose more about its conceptualization, besides its globalist assessment of the term alone.

The preparation document of 1973 expressed the UNGA's precise concern for "racist regimes", defined as political systems that expressed signs of prejudice or discrimination within the legislation of the system.[50] Though referred to in the plural form, merely one distinct example of such a "racist regime" was provided: South Africa with its apartheid policies.[51] This questioned the plural notion of such regimes, leaving an ambiguous tone for what other racist

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[48] UNGA, A/RES/3057. (1973) *PRE.*

[49] Barlett, "Medieval and Modern Concepts of Race," p. 47–54.

[50] UNGA, A/RES/3057. (1973) *Annex I.2.c.* Also in paras. *Annex I.4.; Annex I.8.; Annex I.12.ii.; Annex I.13.e.; Annex I.13.g.* And: UNGA. (1978) A/33/262. *III.4.; III.18.; PA.A.1.viii.; PA.A.3.a.; PA.A.s.b.; PA.A.3.c.; PA.B.15.; PA.B.16.; PA.B.17.; PA.B.18.iii.; PA.B.18.iv.; PA.B.25.; PA.B.26.; PA.D.3.; PA.D.5.; PA.D.6.; IV.A.2.1.;*
And: UN, A/CONF.92/40. (1979) *I.23.11.b.; II.4.; II.6.a.; II.7.; II.8.: II.13.: II.18.; PA.A.1.vi.; PA.A.1.vii; PA.A.4.a; PA.A.4.b.; PA.A.4.c.; PA.B.15.; PA.B.16; PA.B.18.iii.; PA.B.18.iv.; PA.B.21; PA.B.25.; PA.B.26.; PA.D.37.3; PA.D.37.5.; PA.D.37.6.; III.A.2.; Annex I.B.; Annex II.A.*

[51] Ibid.

regimes were implied. Why did the UNGA stress an international approach to racism, but name only *one* practical manifestation of racism in the conference?

Delegational Reservations

The answer to this question remained ambiguous, but the report of the UNGA did show that there was an intense debate on the terminology related to apartheid.[52] During the Conference, which was held in Geneva from August 15ᵗʰ through 25ᵗʰ, the final draft for the Programme of Action (PA) and Declaration was heavily discussed. These final drafts and the delegational reservations thereof were transcribed in the official report of WCAR I that was published by the UN in 1979.[53]

In draft texts, words in squared brackets implied that a vote was required for inclusion in the final report, but this formality was not fully adhered to in the preparation process, which impaired the participation of various delegations:

> "Immediately after the voting on operative paragraphs (...), the representative of the Federal Republic of Germany, on behalf of the nine members of the European Economic Community, and the representatives of Australia, Canada and New Zealand stated that their delegations could no longer associate themselves with (...) further proceedings of the Conference."[54]

Their dissociation meant that the Declaration could not be adopted as a *universal* declaration, which harmed its foundation of an international consensus.[55] Other than this, it had no effect

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[52] United Nations General Assembly, *World Conference to Combat Racism and Racial Discrimination: Report of the Secretary-General*, A/33/262. (October 9, 1978) *Annex.*

[53] UN, A/CONF.92/40. (1979) *Annex III.*

[54] Bayefsky, "A Racist Anti-Racism Conference," p. 66. And: UNGA, A/33/262. (1978) *I.26.*

[55] UN, A/CONF.92/40. (1979) *Annex III.*

on the continuation of the conference, so this was a symbolic action rather than a form of resistance against the actual content of the PA. Fittingly, human rights expert Jonathan Wolff highlighted that the pursuit of "universal recognition of the ideal of human rights can be harmful if universalism is used to deny or mask the reality of diversity."[56]

This concurs with the situation in WCAR I, where the UNGA stressed universalism too much, resulting in criticism from multiple delegations. The German delegation explained how it could not concur the original purpose of the Decade – to examine measures toward the "elimination of racism and racial discrimination" – with the PA as proposed by the Preparatory Committee of WCAR I.[57] The reason for this standpoint, according to the delegation, was the legislative ambiguity that the formulation of the PA conveyed. Specifically, this referred to the adoption of the following paragraph:

> "Apartheid, the extreme form of institutionalized racism, [is a
> *crime against humanity*] and an affront to the dignity of mankind,
> and [is a threat to peace and security in the world.]"[58]

The term "crime against humanity" posed a problem for the delegation of Germany, which stated that it, on behalf of the EEC, could not "participate in a consensus concerning the whole draft text" because of the inclusion of this term in this paragraph.[59] The same objection was brought forward in regard to the explicit mention of "Palestine" in para. 15 of the PA.[60] This paragraph, other than paragraphs on apartheid, did not refer to any specific manifestations of

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[56] Jonathan Wolff, *The Human Right to Health*, WW Norton & Company, (2012) p. 21.

[57] UNGA, A/RES/3057. (1973) *Annex. 13.a.* And: UNGA, A/33/262. (1978) *Annex Federal Republic of Germany. 2.a.*

[58] UN, A/CONF.92/40. (1979) *Annex III.III.4.* Italics added for emphasis. Please note that the original text included the squared brackets. Description of apartheid as a "crime against humanity": Also in para. *Annex III.III.6.*

[59] Bayefsky, "A Racist Anti-Racism Conference," p. 66. And: UNGA, A/33/262. (1978) *Annex Federal Republic of Germany. 2.a.* Also in para. *Annex Federal Republic of Germany. 3.2.*

[60] UNGA, A/33/262. (1978) *Annex Federal Republic of Germany. 3.c.2.*

racism in the Middle East.[61] Nevertheless, the inclusion of "Palestine" in the PA was opposed, since "the Nine cannot accept the inclusion of the political problem of the Middle East into the main document of this World Conference on racism."[62]

A total of twelve delegations followed the example of the German delegation and dissociated themselves from the Conference.[63] This examination in the documents of the process of preparation for WCAR I thus emphasized the crucial importance of the formulation of racism and its related aspects in political documents, and showed how words alone could evoke much tension in 1978.

Notion of Superiority

The preparation period and the discussions during the conference conveyed a tense atmosphere in relation to the words used to describe racism and its associations. The next section of this chapter will examine whether the final reports shared this tension, looking more closely at the way in which racism itself was described, unveiling how the theme of racial superiority and political racist practices were focal points during the conference.

The central report of the United Nations was published a few months after the Conference.[64] Here, the UNGA expressed a significant distinction between racism and racial discrimination – a notion that was visible in the conference's title as well.[65] The report stated that the Conference strived to combat racism in any form, "regardless of whether or not discriminatory practices prevail," implying that racism itself does not have to be discriminatory.[66] Instead, racism was interpreted as a notion of superiority between groups

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[61] Ibid. *Annex Federal Republic of Germany. 3.c.*

[62] Ibid.

[63] Ibid.

[64] UN, A/CONF.92/40. (1979) *PA. A.2.*

[65] Ibid.

[66] Ibid. *PA. A.1.*

within society, characterized by differences on the basis of race, ethnicity, exterior conformity or descent.[67] Superiority was, in this sense, an ideological matter, which was distinguished from acting upon this ideology in the form of discrimination, where race and ethnicity were not equivalent, just as Hudson emphasized.[68]

This distinction is important for understanding Geneva's conceptualization of racism, because it explains how the conference embedded 'racism' with an ideological conception of superiority, which could, in turn, result in various forms of discriminatory practices. In comparison, this is different from Fredrickson's approach to racism, who claims that 'racism' is *more* than just the ideology of hierarchy between races, with discrimination as an integral part of ideological supremacy.[69]

The reason for this distinction between 'racism' and 'racial discrimination' was that merely the ideal of racial superiority was basis enough for the UN to fundamentally oppose it. The report stated:

> "Any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous, and has no justification whatsoever."[70]

Not only did Geneva specify that racism is based upon arbitrary superiority, this paragraph conveyed a strong sense of political morality – a morality that referred back to the core identity of the UN. According to the UN Charter and the UDHR, racism counteracts the first and

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[67] UNGA, A/RES/3057. (1973) *Annex. 15.d.v.*

[68] Similar notion in paras. UN, A/CONF.92/40. (1979) *PA.B.33.i.* Also in paras. *PA.A.1.ii; PA.A.6.; PA.B.33.ii; PA.B.33.iii.* And: Barlett, "Medieval and Modern Concepts of Race," p. 40–42.

[69] Fredrickson, *Racism: A Short History,* p. 6.

[70] UN, A/CONF.92/40. (1979) *II.1.*

most fundamental human right: that of universal equality.[71] References to the UN's continuous efforts to stimulate human rights were, therefore, abundant in the report.[72] Geneva's approach to defining racism was characterized by this strong sense of morality, for racial superiority posed an obstacle to the foundation of the United Nations' ideology. Any form of legislation, manifest or doctrine which contained elements of racial superiority would be against everything the organization claimed to stand for, regardless of discriminatory practices.

Thus, the approach to racism was aligned with the UN's principle values of equality, which was framed in highly political terms in 1978. Racism, even with the distinctions made visible so far, remained an extremely broad concept, so the conference limited its focus to a specific type of racist practice: *structural racism*.[73] This may seem controversial to the ideal of 'equality', for this would imply many other manifestations of racism would be neglected. However, one must not forget that this conference was not an ideological or symbolic convention of delegations, but rather an attempt to affect international changes to secure the protection of human rights. This was supported by the ideology of human rights, of course, which was constantly referred to, but the power of the UN was not just an ideological one, but also a political one. With hundreds of representatives from nations and organizations all across the globe, WCAR I was a stage where the political power of the UN, and the international recognition of human rights could be strengthened. This was reflected by the explicit universal approach to human rights that the UNGA strived for in the Conference:

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[71] UNGA, *Universal Declaration of Human Rights,* A/RES/217A. (1948) *Article I.* And: United Nations, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI.

[72] References to the international framework of human rights were, *inter alia*, found in: UN, A/CONF.92/40. (1979) *II.par.iv II.par.x; II.par.xii; II.3; II.5; II.12,*

[73] UN, A/CONF.92/40. (1979) *PA.A.17.* Also in paras. *PA.A.14.; PA.A.24.; PA.A.25.; II.3.; II.9.; II.11.; Measures. 20.*

"Promotion of the human rights of national, ethnic and other minorities for the purpose of strengthening international co-operation and understanding among States in accordance with the Charter of the United Nations."[74]

If, indeed, the core value of equality was the ultimate goal of the conference, then why was only apartheid dealt with as a manifestation of racism? Looking back at the 1970s, many other racist practices were highly problematic within international politics, such as anti-Asian policies in Uganda, the Cambodian genocide and increased condemnation of Zionism; the latter even stirred up a lively debate in the UN in the early 1970s.[75] 'Zionism' referred to the Israeli policies that favored the Jewish population over other ethnicities, not to be confused with 'anti-Semitism', which refers to discrimination to Jews in general.[76]

Zionism was an issue that was not ignored during the conference itself either. In paragraph eighteen the UNGA equated Zionism with racism and made the accusation that the "Zionist State of Israel" supported "the racist regime of South Africa" in economic and military fields.[77] No further specification nor attention of any kind was provided, except for some criticism on the claim that Zionism was a form of racism, by the delegations of Costa Rica, the Dominican Republic, and Honduras.[78] So the only specific mention of another racist regime was, once again, directly connected to apartheid.

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[74] UNGA, A/33/262. (1978) *II.23.11.f.*

[75] United Nations General Assembly, *Elimination of All Forms of Racial Discrimination,* A/RES/3379. (November 10, 1975) And: Michael Goodhart, *Human Rights: Politics and Practice,* Oxford University Press. (Third Edition. New York, 2016) p. 399-401. And: Kenneth Christie, and Denny Roy, *The Politics of Human Rights in East Asia,* Pluto Press. (First Edition, London, 2001) p. 202-203.

[76] Ibid.

[77] UN, A/CONF.92/40. (1979) *II.18.*

[78] Ibid. *Annex VII.*

World Conference Against Apartheid

Even more so, the examination of WCAR I showed there was one binding factor to all debates: the UN's struggle against South Africa's apartheid. To conclude this chapter, the analysis of the documents will explain how the WCAR I did not just revolve around South Africa, but was distinctly designed as a tool of human rights activism against apartheid.

In the years before WCAR I, a series of protests against the apartheid regime characterized the public scene in South Africa.[79] Especially among young adults the resistance against the oppressive government grew stronger in the 1970s, shared by intensifying attention from the international community – of which the UN was the foremost player.[80] After all, apartheid was an obstacle that juxtaposed the ideology the UN stood for, instilling significant opposition.[81] In his work on the relationship between the United Nations and apartheid, former Secretary-General of the UN, Boutros Boutros-Ghali explained how the organization initiated its fight against apartheid by ending South Africa's mandate on Namibia in 1966, followed by isolating South Africa and excluding the nation from all UN organs in 1975.[82] Efforts continued more intensely thereafter, by declaring an arms embargo on the nation in 1977.[83]

The following year – the year of WCAR I – was pronounced 'International Anti-Apartheid Year' by the UNGA.[84] Though the vast majority of the international community was in accordance with this struggle against apartheid, debate intensified as the UN radicalized

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[79] Boutros Boutros-Ghali, *The United Nations and Apartheid, 1948-1994*, The United Nations Blue Books Series. (New York: United Nations Publications. 1994) p. 28. And: Robert F. Gorman, *Great Debates at the United Nations : An Encyclopedia of Fifty Key Issues 1945-2000*, Conn.: Greenwood Press. (Westport, 2001) p. 127-130.

[80] Ibid.

[81] Whittaker, David J., *The United Nations in Action*, Routledge, (London, 1995) p. 166-167.

[82] Ibid. p. 29; 32-33. And: Newel M. Stultz, "Evolution of the United Nations Anti-Apartheid Regime," *Human Rights Quarterly* Vol. 13: No. 1. (1991) p. 13-15.

[83] Boutros-Ghali, *The United Nations and Apartheid,* p. 32-33.

[84] United Nations General Assembly, *International Anti-Apartheid Year: Peaceful Use of Nuclear Energy for Economic and Social Development,* A/RES.32/105B. (December 9, 1977)

in its standpoint against South Africa.[85] This was reflected in the description of apartheid as a "crime against humanity". Though delegations, such as the German delegation, understood the morality behind this claim, the words would be too extreme and would have no legal basis.[86] Since the only example of "racist regimes" in all of the documents was South Africa, this would explain why the proscribed measures were merely legislative and educative: those were considered to be the primary elements in South Africa that upheld the "structural racism" of apartheid.[87]

Other descriptions of 'apartheid' all expressed a constant tone of condemnation, such as: "the most extreme form of racism"; "crime against the dignity of mankind"; "the worst form of exploitation and human degradation" and; "a threat to international peace and security".[88] In comparison, the word 'apartheid' was given more attention, descriptions, explanations, and measures than those of the words 'racism' and 'racial discrimination' combined. In hindsight, it appears the 'World Conference Against Apartheid' would have been a more appropriate title for the Conference.

Therefore, it was made clear that South Africa was more than simply an example of a "racist regime."[89] Rather, it appeared to be the "highest priority" of the United Nations in 1978 of their global advancement of human rights, which was spearheaded in the Conference.[90]

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[85] Boutros-Ghali, *The United Nations and Apartheid,* p. 37.

[86] UNGA, A/33/262. (1978) *Annex Federal Republic of Germany. 2.a.* Also in para. *Annex Federal Republic of Germany. 3.2.*

[87] UNGA, A/RES/3057. (1973) *Annex I.2.c.* Also in paras. *Annex I.4.; Annex I.8.; Annex I.12.ii.; Annex I.13.e.; Annex I.13.g.* And: UNGA, A/33/262. (1978) *III.4.; III.18.; PA.A.1.viii.; PA.A.3.a.; PA.A.s.b.; PA.A.3.c.; PA.B.15.; PA.B.16.; PA.B.17.; PA.B.18.iii.; PA.B.18.iv.; PA.B.25.; PA.B.26.; PA.D.3.; PA.D.5.; PA.D.6.; IV.A.2.1.;*
And: UN, A/CONF.92/40. (1979) *I.23.11.b.; II.4.; II.6.a.; II.7.; II.8.: II.13.: II.18.; PA.A.1.vi.; PA.A.1.vii; PA.A.4.a; PA.A.4.b.; PA.A.4.c.; PA.B.15.; PA.B.16; PA.B.18.iii.; PA.B.18.iv.; PA.B.21; PA.B.25.; PA.B.26.; PA.D.37.3; PA.D.37.5.; PA.D.37.6.; III.A.2.; Annex I.B.; Annex II.A.*

[88] Paragraphs cited respectively: UN, A/CONF.92/40. (1979) *II.4; II.14; PA.B.15.* Similar descriptions were found in paras. *II.7.; II.16.; II.18.; III.B.32.; III. Resolution 2.; PA.B.17.; PA.B.15.; PA.B.32; PA.B.27;*
And: United Nations Educational, Social and Cultural Organization: General Conference, *UNESCO's Contribution to Peace and Its Tasks With Respect to The Promotion of Human Rights and the Elimination of Colonialism and Racialism: Report of the Director-General*, 20C/14. (September 28, 1978) *26.III.93.*

[89] See footnote 87.

[90] UN, A/CONF.92/40. (1979) *III.B.27.*

The framework of 'racism' and 'human rights' was no more than a veil for what was the *actual* purpose of the conference: to further combat apartheid.

Besides rallying up international support and drawing attention towards actively fighting apartheid, the Conference deployed the concept of racism as an instrument against apartheid through its intersectional categories as well. As Crenshaw explained, one's attention to intersectionality explains a lot about its approach to racism.[91] Analyzing the documents from WCAR I, this research uncovered that the two most named categories were 'youth and children' and 'women', but other categories included 'migrant workers', 'indigenous people' and the rare mention of 'refugees'.[92] Remarks about these categories were merely declaratory in nature, however, which implied that the conference proposed no active measures to counteract discrimination towards these groups.[93] The sole exception to this was the category of "youth and children", because the conference proposed multiple educational measures for this category.[94]

The UNGA focused on the promotion of youth so explicitly, because it "appealed to the youth of South Africa to refrain from enlisting in the South African armed forces, which were designed to defend the inhuman system of apartheid."[95] Boutros explained how the United Nations advocated for a socio-political change in South Africa, where the army was

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[91] Crenshaw, "Demarginalizing the Intersection of Race and Sex," p. 141-143.

[92] The conference documents conveyed explicit intersectional descriptions, and included the following paragraphs:
Youth: UN, A/CONF.92/40. (1979) *II.23.; PA.B.24.; PA.B.26.; PA.D.37.4.;*
And: UNESCO, 20C/14. (1978) *9.I.3.26–27.; III.113.*
Women: UN, A/CONF.92/40. (1979) *II.22.; PA.B.25.; PA.D.37.3.;* And:
UNESCO, 20C/14. (1978) *III.104.; III.112.*
Migrant workers: UN, A/CONF.92/40. (1979) *II.24.; PA.A.13.; PA.A.14.; PA.B.28.* And:
UNGA, A/33/262. (1978) *II.23.aa.e.*
Indigenous people: UN, A/CONF.92/40. (1979) *II.21.; PA.A.8.; PA.E.41.*
Refugees: UN, A/CONF.92/40. (1979) *PA.D.37.1.b.*

[93] UN, A/CONF.92/40. (1979) *III.*

[94] Ibid.

[95] Boutros-Ghali, *The United Nations and Apartheid,* p. 51.

crucial in upholding the apartheid regime.[96] The specific attention to youth and children, therefore, fitted the UN's long-term goal of weakening and ultimately eradicating apartheid through education: another element that was brought under the general notion of anti-racism, while in reality it contributed to the UN's fight against apartheid.

In short, many elements that attributed to reconstruct the conceptualization of 'racism' in the World Conference to Combat Racism and Racial Discrimination in 1978, such as its intersectionality, verbal formulation and political framework, accumulated to the struggle against South Africa's apartheid policies. Though WCAR I was designed to oppose *general* racism in the world, its attention was significantly unbalanced, and tilted gravely towards an approach of racism that could be summarized in the notion of *apartheid* – a very specific, and notably limited description of 'racism'. In the next chapter, these results will be compared to WCAR III, 2001, in examination of the concept of racism, in order to further reveal its extreme sensitivity to place and time.

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[96] Ibid. p. 46-52.

CHAPTER THREE

DURBAN, 2001

Two decades after the first World Conference Against Racism, the United Nations General Assembly entered its the Third Decade to Combat Racism and Racial Discrimination, and fittingly called for a third anti-racism world conference: the *World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance* (WCAR III).[97]

WCAR III was in many ways different from its first predecessor, symbolized by the shift of the Conference's location from Switzerland to Durban, South Africa.[98] The official report stated that the Conference drew "inspiration from the heroic struggle of the people of South Africa for equality and justice under democracy, the rule of law and respect for human rights."[99] Clearly, the political relations between South Africa and the United Nations had radically changed, taking into account that the apartheid policies had been revoked.[100] After a period of political transformation, the apartheid policies in South Africa were unofficially lifted in 1991. The presidential elections that followed in 1994 - won by Nelson Mandela - marked.[101]

This final chapter examines whether the Conference, besides a change in scenery, posed more changes in comparison to WCAR I. Did Durban, 2001, express a different conceptualization of 'racism' than Geneva, 1978, as conveyed through the Conference's official documentation? This chapter hence examines WCAR III with a thematic approach,

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[97] United Nations General Assembly, *Third Decade to Combat Racism and Racial Discrimination and the Convening of a World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance: Resolution / Adopted by the General Assembly*, A/RES/52/111. (February 18, 1998) *28-29.*

[98] United Nations, *Report of the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance,* A/CONF.189/12. (January 10, 2002) *I.*

[99] Ibid. *I.3.*

[100] Jeremy Seekings, "Poverty and Inequality in South Africa, 1994-2007," In: Shapiro, Ian, "After Apartheid: Reinventing South Africa?" University of Virginia Press. (Charlottesville, 2011) p. 21-22.

[101] Berger, Iris, *South Africa in World History,* Cary: Oxford University Press, Incorporated. (Oxford, 2009) p. 149-152.

focusing on the organization of the Conference, the political debates around linguistic formulations, definitions of racism and the international context in which the conference was set. At the same time, this chapter will reflect and contrast the results from this thematic analysis with the results from the previous chapter, which will show that in 2001 – in contrast to 1978 – the UN sought to find a 'new racism' within a reformed framework of human rights mechanisms.

PrepComs

The preparations for Durban commenced halfway through the 1990s, after various renewed debates on the effectiveness of the organization's work in the field of anti-racism.[102] Countless individual statements in the UNGA and relevant bodies, such as the United Nations Human Rights Committee and UNESCO called for a Third World Conference Against Racism. WCAR III was discussed and designed in the 'PrepComs' – short for 'Preparatory Committee Meetings'.[103] These were four separate preparatory summits for Durban, held in Strasbourg, Santiago de Chile, Dakar and Tehran respectively, and were overseen by the UN Secretariat and the Preparatory Committee for WCAR III, the latter assigned by the UNGA.[104]

This was very different from 1978, when the UNGA *centralized* the drafting of the Declaration and Programme of Action (PA), whereas this process was decentralized into four *regional* meetings. The PrepComs were tasked to prepare the draft Declaration and PA for Durban, which were compiled by the UN Secretariat afterwards and published right before the conference.[105]

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[102] UNGA, A/RES/52/111. (1998) *PRE.*

[103] United Nations General Assembly: Preparatory Committee World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, *Draft Declaration and Programme of Action*, A/CONF.189/PC.2/29. (May 17, 2001)

[104] UNGA: PrepComs, A/CONF.189/PC.2/29. (2001) p. 2.

[105] Ibid.

In this compilation, the first attempts to clarify the purpose and standpoint of this world conference were made. In short, all PrepComs agreed that WCAR III offered a "historical opportunity" to further promote international cooperation and achieve the realization of human rights in all corners of the world, but looked back at WCAR I quite negatively.[106] The aim was to restructure the conference as an international forum against racism, which caused several changes. For instance, the PrepComs stated that it was "*the duty of Governments* to take prompt, decisive and appropriate measures to eliminate all forms of racial discrimination."[107] This is remarkable, since Geneva called upon a *global* approach. In 1978, it was emphasized how the human rights framework was advanced in WCAR I "for the purpose of strengthening international co-operation and understanding among States [in the struggle against racism and racial discrimination.]"[108]

This notion of strengthening the international community as a single entity in the UN's fight against racism faded over time. WCAR III's Declaration included a reference to the inability of the international community thus far to eradicate racism:

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[106] Ibid. *PRE/Dakar,para.3.; PRE/Dakar,para.7.* Similar formulations were found in: *PRE/Tehran, para.9.; PRE/Secr, para.6-7.*

[107] Ibid. *PRE/Tehran, para.25.* Similar formulations were found in: *PRE/Santiago, para.14.; General.DECL/Santiago, para.2.; DECL/Santiago, para.9.;*

[108] UN, A/CONF.92/40. (1979) *I.23.11.f.*; And: UNGA: PrepComs, A/CONF.189/PC.2/29. (2001) *PRE/Santiago, para.14.* Similar formulations were found in: *PRE/Tehran, para.25.; General.DECL/Santiago, para.2.; DECL/Santiago, para.9.;* And: UNGA, A/RES/3057. (1973); And: UN, A/CONF.92/40. (1979) *II.PRE.12.* Similar formulations were found in: *II.13.; II.18.; PA.B.15.; III.2.1.; Annex I.A.* (Opening statement by Secretary-General of the United Nations); *Annex.I.C.* (Address by the Head of the Federal Political Department of Switzerland);

"Noting with grave concern that despite the efforts of the international community, the principal objectives of the three Decades to Combat Racism and Racial Discrimination have not been attained and that countless human beings continue to the present day to be victims of racism, racial discrimination, xenophobia and related intolerance,"[109]

Whereas WCAR III was still rooted in the standpoint of the United Nations in prospect to international cooperation and human rights, the PrepComs described the goal to "achieve the elimination of racism and racial discrimination" to be "the duty of the States."[110] It quitted to regard the international community as the primary actor in combating racism and racial discrimination. According to Swedish diplomat Ulrika Sundberg, one of the reasons for this change was "the lack of concerns of a universal nature as common denominators" between the different PrepComs, where "experts stressed that *regional* cooperation remained essential to combat racism."[111] This implied that Durban conveyed a nationalist or regional approach above a purely international one in its preparation. Did the final reports, indeed, step away from universal common denominators, just as Sundberg suggests?

The Killer Amendment: World Conference Against Zionism?

The Conference was held in Durban, South Africa, from August 30 to September 8, where delegations voted on the articles and were allowed to make statements concerning the final draft of the Declaration and PA. The UN's official report of the Conference provided a

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[109] UN, A/CONF.189/12. (2002) *I.6.*

[110] UNGA: PrepComs, A/CONF.189/PC.2/29. (2001) *PRE/Santiago, para.14.* Similar formulations were found in: *PRE/Tehran, para.25.; General.DECL/Santiago, para.2.; DECL/Santiago, para.9.;*

[111] Ulrika Sundberg, "Durban: The Third World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance," *International Review of Panel Law* Vol. 73: No. 1. (2002) p. 301–302. And:
Ali Kilic, "The World Conference Against Racism And Anti-Semitic Policy of the Iranian President Ahmedinejad," *National Center for Scientific Research of the Kurdistan,* (2009) p. 17. Italics for emphasis.

detailed overview of these statements.[112] These statements revealed that during WCAR III major discussion ensued as the following statements in the Draft Declaration were read out:

> PARA. 67: "We are convinced that combating anti-Semitism, Islamophobia and [Zionist practices against Semitism] is integral and intrinsic to opposing all forms of racism and stress the necessity for effective measures to address the issue of anti-Semitism, Islamophobia and [Zionist practices against Semitism] today in order to counter all manifestations of these phenomena."

> PARA. 68: "[The World Conference recognizes with deep concern the increase of racist practices of Zionism and anti-Semitism in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas, in particular the Zionist movement, which is based on racial superiority.]"[113]

Paraphrasing these claims, WCAR III labelled Zionism a racist ideology, causing widespread discussion.[114] In 1978, apartheid was the focal point of the entire conference, so in comparison, it would not be surprising to suspect that Durban too had such a point of focus. Because of its

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[112] United Nations Educational, Social, and Cultural Organization, *UNESCO Against Racism: World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance: Durban, South Africa*, (Durban, 2001)

[113] United Nations General Assembly; World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, *Conference Themes: Draft Declaration*, A/CONF.189/4. (August 20, 2001) *I.67; I.68.* Please note that the original paragraphs in the Draft Declaration included the squared brackets. Please note that para. 68 ("The World Conference (...) on racial superiority.") was in brackets in its entirety.

[114] This notion, therefore, referred back to the UNGA's resolution 3379 on Zionism in 1975.
United Nations General Assembly, *Elimination of All Forms of Racial Discrimination,* A/RES/3379. (November 10, 1975)

relatively large amount of attention in these statements on Zionism made during the conference, Zionism may appear to be this new focal point of the WCAR.

'Zionism' and 'anti-Semitism' differ from one another, in the sense that 'anti-Semitism' is discrimination against the Jewish community and 'Zionism' refers to the political favoritism of and toward the Jewish population. Equating the latter as racism, was outraging for many delegations.[115] The delegation of Japan, for instance, claimed that the World Conference Against Racism "singled out Israel." Guatemala's delegation added that Durban "minimalized manifestations of anti-Semitism" and the delegation from Canada even regarded these statements to be "attempts to delegitimize the State of Israel."[116] The inclusion of this paragraph was brought forward by the delegation of Syria during the PrepCom in Dakar, because of its political support to the government of Palestine. Because of its politically hostile position towards a Member State of the UN (the state of Israel, that is) the inclusion of such an article was called a 'killer amendment'.[117] This was a nickname that unofficially surfaced in the UN for aggressive proposals from one Member State to another whilst at international political fora.[118] The result of this killer amendment was that the delegations of the United States and – understandably – Israel decided to dissociate themselves from the Declaration and PA.[119]

In Geneva in 1978, a similar situation had occurred, when several delegations were not willing to continue their participation of the Conference on the grounds of the specific way certain articles were defined, such as the inclusion of the term "crime against humanity" in regard to apartheid.[120] However, the difference with WCAR III, is that apartheid was the most

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[115] UNGA, A/RES/3379, (1975)

[116] UN, A/CONF.189/12. (2002) *Annex VII.15.* (Japanese delegation); *Annex VII.14.* (Guatemalan delegation); *Annex VII.5.* (Canadian delegation)

[117] Sundberg, "The Third World Conference Against Racism," p. 302.

[118] Ibid.

[119] UN, A/CONF.189/12. (2002) *Annex VII.*

[120] UN, A/CONF.92/40. (1979) *Annex III.III.4.* Italics added for emphasis. Please note that the original text included the squared brackets. Description of apartheid as a "crime against humanity": Also in para. *Annex III.III.6.*

important manifestation of racism that WCAR I dealt with, while Zionism was merely a minor detail in Durban. Out of the 148 articles of Durban's Draft Declaration, only two articles even mentioned Zionism, both of which were removed from the final Declaration. The reason for the removal of these paragraphs is well comprehensible, because in 1991 the UNGA had *revoked* their resolution of 1975 which called Zionism a racist practice, thus it would have been contradictory if the Declaration in 2001 would even slightly insinuate that Zionism was a form of racism.[121]

Therefore, though in both instances the adopted terminology was highly important, the debate around Zionism was absolutely disproportionate to Geneva's attention to apartheid; there would have been no reason to nickname WCAR III the 'World Conference Against Zionism.' A comparison of WCAR I and WCAR III thus unveils how the concept of racism was *not* tied to a singular manifestation of racism in 2001, whereas all eyes were pointed to South Africa in 1978. This shows signs of a shift in the politicization of human rights and racism from the first World Conference Against Racism to the third.

Terminology in comparison: 'Crime Against Humanity' and 'Racism'

As the case-study of the World Conference to Combat Racism and Racial Discrimination in Geneva, 1978, has clearly shown, the terminology used in the declarations and programmes of action was prone to significant political debate. One of the main linguistic obstacles for many delegations was the specification of apartheid to constitute a 'crime against humanity.'[122] In comparison, did the example of 'crime against humanity' – in a different context – bring about a similar controversy in 2001?

In Article 13 of the finalized Declaration the term was mentioned for the first time in the report:

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[121] United Nations General Assembly, *Elimination of Racism and Racial Discrimination,* A/RES/46/86. (December 16, 1991) And: Gorman, *Great Debates at the United Nations*, p. 263.

[122] UN, A/CONF.92/40. (1979) *Annex III.III.4.* Also in para. *Annex III.III.6.*

"We acknowledge that slavery and the slave trade, including the transatlantic slave trade, were appalling tragedies in the history of humanity not only because of their abhorrent barbarism but also in terms of their magnitude, organized nature and especially their negation of the essence of the victims, and further acknowledge that slavery and the slave trade are a *crime against humanity* and should always have been so, especially the transatlantic slave trade and are among the major sources and manifestations of racism."[123]

This paragraph put to words clearly that the conference condemned slavery and slave trade, but suggested no retrospective action or application.[124] This, along with the usage of the singular form of "crime", suggested that both slavery and the slave trade were generalized throughout history and do not pertain to any individual crimes.[125] Thus, this paragraph was nothing more than what it was originally part of: a *declaration*, since no action, measures or changes were affected by this statement in any way. In 2001, the label of 'crime against humanity' was merely a broad, ideological notion, in contrast to the direct and assertive usage of the concept against apartheid in 1978.

'Crime against humanity' was not the only term which Durban described in a more generalist sense than Geneva. In WCAR I, racism was linked to more elements than solely 'race', namely: "color, descent, national and ethnic origin."[126] In Durban, racism was described as a "distinction of any kind such as race, colour, sex, language, religion, political or other

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[123] UN, A/CONF.189/12. (2002) *I.13.* Italics added for emphasis.

[124] Sundberg, "The Third World Conference Against Racism," p. 304–305.

[125] Ibid.

[126] UNGA, A/RES/3057. (1973) *Annex. 15.d.v.*

opinion, national or social origin, property, birth or other status," and "sexual orientation and disability."[127] Here, "race" and "color" were the only factors that concur exactly, whereas "national and ethnic origin" was replaced by "national and *social* origin" – plus another ten additional factors.

In comparison to Geneva, this new list of elements conveys an approach towards racial discrimination that is focused on the *individual*, rather than larger societal groups or entities. For instance, "color", "descent" and "national and ethnic origin" are factors that bind individuals, which was supported by the sense of "belonging" that was expressed throughout the conference in 1978.[128] However, the listed elements in 2001, such as "property", "birth or other status", "sexual orientation", "disability" and "political or other opinion" conveyed a purely individualist tone. This change caused the phenomenon of racism to shift from a limiting, generalizing concept to a highly individual phenomenon that could manifest itself differently for each person – with countless variations of racial manifestation as result.

If indeed the definition of racism in Durban was more individualistic, then more attention to an intersectional approach was to be expected as well. Geneva mentioned a few intersectional paragraphs, with a focus on youth. Durban, however, conveyed many more categories in the documents. In comparison to 1978, the categories as presented in 2001 were similar, though there were a few specific categories added to the existing list of Geneva. Examples of Durban's categories were 'women', 'children', 'indigenous people', 'migrants', 'refugees', 'Roma/Gypsies/Sinti/Travellers', and 'linguistic minorities'.[129] Whereas 'children'

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[127] UN, A/CONF.189/12. (2002) *I.xiv.* Similar formulations were found in: UNGA: PrepComs, A/CONF.189/PC.2/29. (2001) *PRE/Santiago, para.7; PRE/Santiago, para.8; PRE/Dakar, para.5.; PRE/Tehran, para.17.* And: UNESCO, *World Conference Against Racism,* (2001) *II.33.; III.47.*

[128] UNGA, A/33/262. (1978) *I.*

[129] The conference documents conveyed explicit intersectional descriptions, and included the following paragraphs:
Youth: UN, A/CONF.92/40. (1979) *II.23.; PA.B.24.; PA.B.26.; PA.D.37.4.;*
And: UNESCO, 20C/14. (1978) *9.I.3.26–27.; III.113.*
Women: UN, A/CONF.92/40. (1979) *II.22.; PA.B.25.; PA.D.37.3.;* And:
UNESCO, 20C/14. (1978) *III.104.; III.112.*
Migrant workers: UN, A/CONF.92/40. (1979) *II.24.; PA.A.13.; PA.A.14.; PA.B.28.* And:

and 'youth' were given the most attention in relation to their anti-apartheid application, the category that was given the most attention in Durban was 'indigenous people:'

> "[WCAR III] in conjunction with the International Decade of the World's Indigenous People, presents a unique opportunity to consider the invaluable contributions of indigenous peoples"[130]

In contrast to 1978, the attention to the theme of indigenous people in 2001 had grown exponentially. The rights of indigenous people were debated within the international community in the 1990s, empowered by the *International Decade of the World's Indigenous People*, as mentioned in the Report, which was initiated by the World Conference on Human Rights (WCHR), held in Vienna, Austria, 1993.[131] At this convention, special attention was given to the human rights of women, children, and indigenous people, for the WCHR, in the words of the UN Office of the High Commissioner of Human Rights, "marks the beginning of a renewed effort to strengthen and further implement the body of human rights instruments that have been painstakingly constructed on the foundation of the *Universal Declaration of Human Rights* since 1948."[132] So besides conveying a highly individualist approach, the inclusion of so many categories of groups that are vulnerable to racism shows how WCAR III attempted to distance themselves from the precedent of WCAR I by actively broadening their orientation and opening up the forum about the general debate on racism, rather than to focus on a single example.

UNGA, A/33/262. (1978) *II.23.aa.e.*
Indigenous people: UN, A/CONF.92/40. (1979) *II.21.; PA.A.8.; PA.E.41.*
Refugees: UN, A/CONF.92/40. (1979) *PA.D.37.1.b.*

[130] UN, A/CONF.189/12. (2002) *DECL.x.*

[131] United Nations, "World Conference on Human Rights, 14-25 June, 1993, Vienna, Austria," Website. https://www.ohchr.org/EN/ABOUTUS/Pages/ViennaWC.aspx (Accessed December 2019)

[132] Ibid. And: Goodhart, *Human Rights: Politics and Practice*, p. 208.

A New Human Rights Approach

The political context of the United Nations explains this resurgence of attention towards international human rights. The preparatory reports showed how their struggle against racism was part of the framework of human rights: "[Racism] affronts to the dignity of humankind, and constitutes a flagrant violation of human rights."[133] In what way was this human rights-approach different from Geneva's attention to the framework of human rights?

The 1990s were characterized by a range of conflicts around the world in which the UN was directly involved, which altered the organization's political rigor in their appliance of human rights as a political tool towards individuals. Examples of such conflicts were the armed conflict in Angola, where the UN advocated a ceasefire in 1991, the internal conflict of Cambodia, where the first elections in fifteen years were held under UN auspices and most importantly, the establishment of the UN's Tribunal for the Former Yugoslavia in 1993.[134] These conflicts proved that human rights violations occur at all levels – also at the level of the individual. This called for a critical perspective on the human rights mechanisms that existed, for up to that point, these mechanisms focused on state actors.[135]

The WCHR marked the start of this reformation of human rights systems, and several events in the years thereafter acknowledged that practical change of the mechanisms was, indeed, required, including the genocide in Rwanda in 1994, which too resulted in an establishment of a UN Tribunal.[136] At both tribunals, the focus was not state actors, but rather the prosecution of individuals.[137] The UN recognized that not all national legal systems could

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[133] UNGA: PrepComs, A/CONF.189/PC.2/29. (2001) *PRE/Tehran, para.12.*

[134] Devin O. Pendas, "Toward World Law? Human Rights and the Failure of the Legalist Paradigm of War," In: Stefan-Ludwig Hoffmann, *Human Rights in the Twentieth Century*, Cambridge University Press. (Cambridge, 2010) p. 218. And: United Nations, "Milestones: 1981-1990," Website. https://www.un.org/en/sections/history/milestones-1981-1990/index.html (Accessed January 2020)

[135] Goodhart, *Human Rights: Politics and Practice*, p. 156.

[136] L.J. van den Herik, *Contribution of the Rwanda Tribunal to the Development of International Law,* Brill Academic Publishers (Leiden, 2005) p. 27.

[137] Ibid.

deal with the violators of human rights, resulting in the establishment of the International Criminal Court (ICC) by the Rome Statute in 1998.[138] Whenever a national legal system would fall short of prosecution, individual perpetrators could be prosecuted at the ICC for the worst human rights violations: crimes of aggression, genocide, war crimes and, interestingly, *crimes against humanity*.[139] This is a significant change in the ideology of human rights, for this new framework of individualism signified how the terminology used in the conference shifted in its practical definition. The inclusion of the latter into the jurisdiction of the ICC explained why the need for discussion of racism as a 'crime against humanity' was no longer necessary for WCAR III to address. In 1978, 'crime against humanity' was the label that was utilized to describe the system of institutionalized social segregation in South Africa, whereas WCAR III expressed how a single person could constitute as a violator of such crimes within the legislation of the UN.

This shift resulted in a need to adapt the concept of 'racism' into individualist terminology as well. The political mechanisms of the UN adapted to the persecution of human rights violators at all levels, so one can see that the UN's concept of racism evolved along with it, resulting in a significantly larger set of elements that comprised racist practices in comparison to WCAR I.

Another result of the renewed attention was the establishment of the Office of the High Commissioner of Human Rights, a position that would bridge the political and practical implications of the UN's work in the protection and advocacy of international human rights.[140] Surely, the human rights mechanisms of the UN underwent a process of complete reevaluation and reorganization, in which violations of human rights at all levels –

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[138] United Nations General Assembly, *Rome Statute of the International Criminal Court,* (July 17, 1998, last amended 2010) *Article 5; 7.*

[139] Ibid. And: Goodhart, *Human Rights: Politics and Practice*, p. 156.

[140] Ibid. p. 208.

international, national and regional – could be adequately dealt with.[141] This is of incredible importance when examining WCAR III, for this was one of the first international conventions that served as part of this new mechanism. A structural, political change of this magnitude was not just a change in the human rights system, it also brought about a new way of approaching human rights – and 'racism' – as a concept.

In the case of Geneva, 1978, the adoption of a human rights framework was applied to the dismantling of apartheid: the political goal of the conference determined the definition of 'racism'. However, in 2001, in the newly constituted human rights system of the UN, the roles were reversed. The concept of 'human rights' and what it meant to violate them rose the need to *redefine* all associated concepts. 'Racism', therefore, had to be redefined as well: the new human rights approach determined the way 'racism' was conceptualized, instead of vice versa.

In Search of the 'New Racism'

Redefining racism was not an easy task. Besides interpreting this new mechanism, the previously used definition of 'racism' (as seen in 1978) was rooted in the manifestation of South Africa's apartheid regime, which, by 2001, had fallen already, leaving the UN scrambling for a new conceptualization of racism.[142]

This was an issue that echoed in the UN as well, and was thus given special attention in the report on WCAR III by UNESCO, one of the primary bodies that worked on the conference. UNESCO explored this debate to redefine racism and concluded that Durban, in fact, dealt with a "different racism" than Geneva had in 1978. The definition, the UNESCO report maintained, would develop further:

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[141] Ibid.

[142] United Nations, "Milestones: 1991–2000," Website. https://www.un.org/en/sections/history/milestones-1991-2000/index.html (Accessed January 2020)

"New forms of racism and discrimination will emerge in the twenty-first century, based on the idea of inequality among cultures, favoured by globalisation and the uncertainties it has engendered, as well as by the growth of material inequality and the dissociation of social and education of social and educational systems. (...) This new social and cultural racism has almost no need for an ideology and an articulated discourse."[143]

Here, UNESCO advanced an attempt to specify this 'new form of racism', which was not just political, but deeply rooted into social and cultural factors of communities as well. A conceptualization of 'racism' in this way was fundamentally different from Geneva's approach to racism, where all elements of its definition were carefully constructed to combat apartheid. Geneva did not deny that apartheid was engraved into all aspects of South African society, – also social and cultural domains – but Durban turned this around. In general terms, the main reasons for this transformation were: the Conference's need to adapt to a new human rights framework within the UN, for Durban remained under UN auspices; the individual turn in the application of racism as part of human rights, and; the new political organization of the conference and its drafting process – the four PrepComs.

Rather than to propose a political definition that was focused on a singular manifestation of racism, WCAR III attempted to establish a definition that could be universally applied.[144] With this definition, regional, individual manifestations of racism could be framed, instead of framing racism to combat a single manifestation. This had the legal implication that no concrete proposals to strengthen, adjust or renew international or national law to actually counteract racism resulted from the Third World Conference Against Racism.[145] The effect

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[143] UNESCO, *World Conference Against Racism,* (2001) *III.56.*

[144] Ibid.

[145] UN, A/CONF.189/12. (2002) *Resolutions adopted by the Conference.*

of having too vague a description of the problem at hand was that no actual change would be affected.

In human rights studies, this is referred to as the 'possession paradox', which describes how formulations or declarations in the name of human rights only attain meaning when linked to concrete, specified terms in laws, agreements or treaties.[146] Durban's non-specified definition of racism, in that perspective, has no effect in combating racism in practice. On a more positive note, one might claim that the only actual step towards a more equal world at the hands of Durban, was that racism was slowly evolving into a concept that did not limit itself to the transgressions of only a few extreme cases, such as apartheid in 1978, but opened up to a 'new form of racism' that could be personalized by all; seemingly fitting the ideal of universal equality.

Racism's New Narrative

Reflecting upon Sundberg's claim that the Third World Conference Against Racism lacked "common denominators," therefore, seems to have been inaccurate. Though it was true that the UNGA did not impose upon a certain manifestation that would determine the course of the entire conference, the reversal and redefinition of racism became the shared ground. In other words, the concept of racism, through the renewed framework of human rights, became the common denominator itself. Its reformulation allowed for regional voices to acquire a place in the global forum, as seen in the new structure of the preparation process. Also, the exponential growth of elements that were extended to the definition of 'racial discrimination' provided opportunity for countless manifestations to be elevated into a higher human rights discourse.

However, bringing Durban's ideal of a universally applicable racism into the historical framework of the conferences itself, a narrative emerged. The approach to racism in 1978 was

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[146] Donnelly, *Universal Human Rights*, p. 11-12.

fundamentally rooted in an ideology itself, based upon racial superiority, whereas in 2001 the UN showed how it had let go of this grip on the arbitrary ideological notion of racial hierarchy, letting go of the idea that racism was always tied to ideology per se.[147] Yet the debate on Zionism as an utterly racist phenomenon hampered the ideal that the UN had fully evened the ground for equal interpretation of racism.

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[147] UN, A/CONF.189/12. (2002) *Resolutions adopted by the Conference.*

CONCLUSION

NEW RACISMS

"It is of primary importance that we keep clearly in mind the basic character of the document. (...) It is a declaration of basic principles of human rights and freedoms (...) to serve as a common standard of achievement for all people of all nations. We stand today at the threshold of a great event, both in the light of the United Nations and in the light of mankind. This *Universal Declaration of Human Rights* may well become the International Magna Carta of all men everywhere."[148]

With these words, spoken at the United Nations General Assembly in 1948, Eleanor Roosevelt highlighted that the core principles of human rights are fundamentally rooted in equality and urged the UNGA to adopt the UDHR.[149] In this speech, she advocated for a universal approach to equality, which did not favor one nation, people or religion over the other. This ideal assumed a sense of timelessness as well, as she called for a human rights framework that ensured "a continuation of the struggle" for universal equality.[150]

This thesis has taken a critical approach towards this notion of timelessness within the United Nations' framework of human rights, by examining the concept of racism, because the definition of racism is intrinsic to the notion of human rights. An academic overview of experts on the field of racism within socio-political terms already indicated that racism constitutes a multitude of complexities, due to its arbitrary form and high sensitivity to socio-

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[148] Roosevelt, Eleanor, "Universal Declaration of Human Rights," Address to the United Nations General Assembly, 3rd Session, 180th and 181st Plenary Meeting, (1948)

[149] Roosevelt, Eleanor, "The Struggles for the Rights of Man," Address to the United Nations General Assembly, (September 28, 1948)

[150] Ibid.

political currents. This line of thought was continued with the comparative case-study of the first and third World Conference Against Racism, in 1978 and 2001 respectively, which has unveiled various reasons in which racism – as a concept – has changed over time, and more importantly, *why* the conceptualization of the term evolved in the first place.

First of all, because of the arbitrary character of 'race', the concept of racism entails more grounds for differentiation than simply 'race', 'origin', or 'ethnicity', such as 'language' and 'colour'. This thesis repeatedly emphasized that both Conferences revolved around the ideal of equality that was embodied within the UN's framework of human rights. By looking at these categories, we can see that the definition of racism actually shifted between 1978 and 2001. This change was directly and undeniably rooted in the socio-political context of each respective conference.

The *World Conference to Combat Racism and Racial Discrimination* in Geneva, 1978, was focused on a broad ideological notion of universality, because it sought an international approach to support human rights. With this elevated support, the United Nations General Assembly could refocus the principles of human rights towards South Africa, in order to apply these principles to combat apartheid, which the UNGA recognized as an aggravating threat to the core principles of the UN as an organization. The result was that this could be seen in the language adopted to conceptualize racism, as the UNGA placed an emphasis of universal language in describing racism, but limited in a way that merely the manifestation of apartheid was brought forward, rather than to uphold universal support to combat *universal* racism. This had the aim of raising universal support for the human rights agenda of the UNGA, while allowing WCAR I in 1978 to focus on a singular manifestation of racism.

In contrast, the *World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance* in Durban, 2001, was focused on individuality within an international framework, for at the time of the conference the UN's mechanism of human rights was undergoing various dramatic structural changes. This new mechanism broadened the

interpretation of human rights abuse, in which not just States or social groups could be assigned as perpetrators of human rights, but individuals as well. The result of this organizational transformation was reflected in Durban's conceptualization of racism as well, which expressed very distinct (and significantly more) categories associated with racism, which highlighted the individual above the collective, such as 'property', 'political or other opinion', and 'disability'.

This thesis examined if the conceptualization of racism between WCAR I and WCAR III had changed and explored the reasons for differences between the two. It uncovered how these were a product of socio-political developments. In 1978, the United Nations General Assembly adopted the framework of anti-racism advocacy to combat apartheid, rather than to engage in an international fight against manifestations of racism. This explained why it appealed to a universal approach for assessing racism, while focusing on the manifestation of racism in South Africa only. WCAR III, however, was set in a time when South Africa had already abolished its former apartheid policies, and had to, therefore, reformulate their approach towards racism. In doing so, Durban refrained from focusing on a single manifestation, as seen in Geneva, but brought forward a very broad, unspecified concept of racism. The main issue here, was that the conference thus had affected little change in advancing international equality – the possession paradox of human rights. In this way, the broad concept of racism proved how the UN was still in the process of adopting a 'new racism' in 2001, one that would fit within its new socio-political discourse. UNESCO's report on Durban, for instance, concluded that the UN was still engaging in a search for "new forms of racism;" implying that even the UN itself – or at least UNESCO – recognized that definitions of racism were not transfixed, and must be adapted throughout time.[151]

Through the examination of these differences from a historical, contextual, and political perspective it became clear that the specific language that was used in conceptualizing

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[151] UNESCO, *World Conference Against Racism,* (2001) *III.56.*

racism was extremely vulnerable to political discussions among participating delegations in both summits. The discussions in Geneva showed how the drafting process was extremely sensitive to terminology, resulting in highly tense debates. This was true in particular for the term 'crime against humanity', which was used to describe apartheid.[152] The inclusion of this label resulted in the departure of various delegations, which in turn weakened the universal representativity of the Conference. As the UNGA strived towards elevating universal support for human rights and turning this against South Africa, the terminology linked to racism weakened the consensus of the international forum; the UNGA's goal of seeking universal support was ironically weakened by the very language it adopted to advance their ideology.

In 2001, the discussions about terminology in Durban showed that the new mechanism for human rights affected the debates on terminology as well, as the notion of 'crime against humanity', for instance, received very little attention. This was not because the term had diminished in its controversy; if anything, it had grown stronger. Rather, the delegations at the Third World Conference Against Racism did not have to engage in such discussions, as the newly formed International Criminal Court – a new body of the transforming human rights mechanism – took over the debate to deal with this term.

Other discussions about manifestations of racism that were dealt with in Durban, including Zionism, showed how, indeed, WCAR III did not seek to limit its focus to a singular case of racist practices. While Anne Bayefsky, in particular, had claimed that WCAR III was a "racist anti-racism conference", this research concluded that her attention to Zionism in Durban was highly overgeneralized and exaggerated, because the final documents did not even mention Zionism once: proving that Bayefsky's claim was unbalanced. The debate on Zionism, though, did highlight racism's sensitivity to time, because the conceptualization of racism in terms of explicit examples was limited to what was thought to be generally excepted, even though debates in 2001 were highly active on Zionist practices. This, therefore,

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[152] UN, A/CONF.92/40. (1979) *Annex III.III.4.* Also in para. *Annex III.III.6.*

remained a complicated issue when discussing the Third World Conference Against Racism, as it might suggest that the Conference was unrepresentative of the actual political debates on racism. However interesting, this is a claim that fell beyond the scope of this research, but could be highly explanatory of the reasons why Zionism was removed from the final documents.

In light of the extensive human rights mechanism of the UN, these two Conferences constituted only a small part of this discourse. Countless other conferences, resolutions and fora could further assist to comprehend the relationship between the politicizing concepts of racism and human rights with its historical context, such as the *International Covenant for Civil and Political Rights*, the *International Convention for the Elimination of All Forms of Discrimination Against Women*, and the Vienna World Conference on Human Rights, just to name a few examples of fundamental developments of the UN's advocacy for international equality.[153] Studying how racism - and human rights for that matter, were prone to various forms of politicization in these conferences, would be a worthwhile avenue for further research to clarify whether the WCARs' notions of racism were further bolstered by them.

Within a larger framework of human rights politics, this thesis acknowledges that the comparative case-study of merely two conferences is extremely narrow, and perhaps even too limited. However specific, this research did emphasize how the thorough study of terminology within human rights discourses can uncover many underlying socio-political factors that directly influence the workings and effectiveness of an international organization, in this case the United Nations. This conclusion may serve as a call to remain critical; racism itself is, and will always be referring to any form of inequity between one entity and another, making it impossible that racism - even as a concept - can be claimed universally. What this

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[153] United Nations General Assembly, *International Covenant on Economic, Social and Cultural Rights*, United Nations, Treaty Series, Vol. 993, (December 16, 1966); And: United Nations General Assembly, *International Covenant on Civil and Political Rights*, United Nations, Treaty Series, Vol. 999, (December 16, 1966); And: United Nation General Assembly, *Vienna Declaration and Programme of Action*, A/CONF.157/23, (12 July 1993)

research does conclude, though, is that the concept of racism as presented in the Third World Conference Against Racism was different from WCAR I's conceptualization on various accounts, caused by new trends of individualism, organizational adjustments and different historical developments. Racism may be a complicated phenomenon, but certainly is not immune to the ravages of time.

TIMELESS RACISM

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