

## **Canadian Statement of Reservation**

**delivered at the World Conference against Racism, Racial discrimination, Xenophobia and Related intolerance (WCAR)**

**in Durban, September, 8, 2001**

Given its struggle against apartheid, South Africa was a logical place to host the Conference. The world continues to draw strength from the courage and determination of its people to reconcile their differences and build a more inclusive society. We thank the Government of South Africa for its leadership and hospitality, and we pledge to keep working with it to promote and protect all human rights and freedoms. As well, we will continue to look to the United Nations as the primary venue for discussion and action on these important issues.

A World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is not just another act in the ongoing itinerant, multilateral, diplomatic theatre. It is much more than that. Or should be.

That is why Canada persevered here and remained at the table. We faced the challenges of contention and divisiveness because of our strong sense of duty to the United Nations, the world community, Canadians who depended on us to give them voice here and the millions of people around the globe who live in poverty and hopelessness because of racism.

We are not satisfied with this Conference. Not enough time has been dedicated to advancing its objectives, that is, developing forward-looking, action-oriented strategies to eradicate the many forms of discrimination that exist today. Instead, too much time has been spent on an issue that does not belong here.

Canada is still here today only because we wanted to have our voice decry the attempts at this Conference to de-legitimize the State of Israel and to dishonour the history and suffering of the Jewish people. We believe, and we have said in the clearest possible terms, that it was inappropriate - wrong - to address the Palestinian-Israel conflict in this forum. We have said, and will continue to say, that anything - any process, any declaration, any language - presented in any forum that does not serve to advance a negotiated peace that will bring security, dignity and respect to the people of the region is - and will be - unacceptable to Canada.

That is why the Canadian delegation registers its strongest objections and disassociates itself integrally from all text in this document directly or indirectly relating to the situation in the Middle East. We state emphatically that this text is ultra vires; it is outside the jurisdiction and mandate of this Conference.

For example, paragraph 7 goes to the heart of the legitimacy of the State of Israel. When read in the context of the Middle East, which we believe to be the intent, the word >Israel= is implicit. Therefore, the formulation with respect to the right of return of refugees is not

consistent with United Nations General Assembly resolution 194.

This paragraph is tantamount to a call for a unilateral violation of the agreed peace accords. Its implementation would be inconsistent with the agreement between the parties that the return of refugees would be pursuant to a negotiated final settlement.

As such, it is an unhelpful and irresponsible intrusion by this Conference into one of the world's most dangerous conflicts. Further, as was proposed in the draft document, Canada believed, and continues to believe, that it is entirely appropriate that the Declaration contain an independent and unlinked reference to the need for all of us to counter anti-Semitism. Canada came to this Conference with very clear positions on what is important to us. We will not sacrifice our principles or distort our long-standing, fair-minded policy with regard to the Middle East conflict.

Canada regrets that the World Conference has not been able to acknowledge that there is a close, sometimes inseparable relationship between discrimination based on religion and language and that which is based on racism and xenophobia.

This is particularly regrettable given that in 1994 the United Nations General Assembly, in its resolution establishing the Third Decade to Combat Racism and Racial Discrimination, expressed deep concern about the evolution of racism into discriminatory practices based on religion, language, nationality or culture. In this regard we consider the World Conference has taken a significant step backwards. At this point, we would like to underline that, for Canada, multiple discrimination on the basis of >other grounds= includes sexual orientation, disability and barriers based on culture.

On the issue of past injustices, let there be no doubt - Canada believes that the transatlantic slave trade was morally repugnant and is a stain on the fabric of history.

With regard to the text related to this issue, Canada would like to register clearly its understanding that paragraph 10 of the Declaration means that widespread and systematic enslavement directed against a civilian population today constitutes a crime against humanity, and if the transatlantic slave trade occurred today it would constitute a crime against humanity.

Furthermore, it is Canada's understanding with regard to paragraphs 117, 118 and 119 of the Declaration, that under international law there is no right to a remedy for historical acts that were not illegal at the time at which they occurred.

It is for these reasons, that Canada requests that this statement be entered into the Conference records, and that our reservations be explicitly reflected in the final report of the Conference.