

PERMANENT COUNCIL OF THE  
ORGANIZATION OF AMERICAN STATES

COMMITTEE ON JURIDICAL AND POLITICAL AFFAIRS

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Working Group to Prepare  
a Draft Inter-American Convention against  
Racism and All Forms of Discrimination and Intolerance

Record of the meeting of January 25, 2011

The following delegations took part in the meeting: Argentina, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Haiti, Jamaica, Mexico, Panama, Paraguay, Peru, United States, Uruguay, and the Bolivarian Republic of Venezuela.

1. Consideration of the member states' procedural proposals for the Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance.

The Chair of the Working Group informed the delegations that thus far written comments had been received from the following delegations:

1. Antigua and Barbuda
2. Mexico
3. Belize
4. Panama
5. Saint Kitts and Nevis
6. Brazil
7. Bahamas (The)
8. Suriname
9. Saint Vincent and the Grenadines

The delegations of Uruguay and Argentina said that their views had not changed and that they hoped to see a broad Convention going beyond that of the United Nations.

The delegation of Ecuador reiterated its position regarding the need for a binding document to be negotiated within the hemispheric framework to address the issues of racism, discrimination, and all forms of intolerance and constitute something that went beyond what already exists in the universal framework. It also stressed that there was no point replicating an instrument that already existed.

The delegation of the Bolivarian Republic of Venezuela reasserted its position, pointing to the various different resolutions of the General Assembly and declarations of the Summits of the Americas. It explained that it had not sent in comments because the document under review was that indicated in the mandates. It also pointed out that the United States had not participated in the process from the start.

The Chair of the Working Group said that it was clear that a consensus would not be reached in this group. He pointed out that consultations had already taken place and the current state of affairs had been going on for over a year. The commitment had been to give due consideration to both proposals, which that working group had done. He underscored that the difficulty encountered had involved reaching an agreement on the two methodological proposals put forward in the document and asked the plenary to consider referring the matter to the CAJP, to take the issue to the next level, sound out the possibilities of arriving at a consensus in the Committee, and try to unravel the issues besetting the Working Group.

The delegations of Mexico, Brazil, Costa Rica, and Uruguay supported the Chair's suggestion, but said they needed to know on what terms the matter would be referred to the CAJP.

The Chair of the Working Group said the referral would be accompanied by an explanation of the difficulty of reaching a consensus on the methodology to be used. A decision had to be taken regarding whether work would continue on a single or several drafts. The Chair also pointed out that if the matter could not be settled in the CAJP, it could also be referred to the Permanent Council.

The delegation of the Bolivarian Republic of Venezuela asked what, in that eventuality, would happen with the Working Group.

Mr. Diego Moreno of the Department of International Law cited Article 27 of the Rules of Procedure of the Permanent Council.

The Chair said that the idea was to refer the matter in respect of the methodological issues that affect the possibility of complying with the mandates entrusted to the Group.

The delegation of Peru asked for more reflection regarding this Working Group's mandate and that more time be allowed to look into alternatives.

The Chair of the Working Group said that the situation was as follows: there were two options, either we continued to work on a single instrument, or we agreed to begin considering a new proposal. Consultations had been carried out but had not resolved the issue. That not only entailed a financial cost; it also impaired the Group's image. That being so, it was best to refer the matter to a higher level, at which a politically appropriate decision could be taken.

The delegation of Peru said it welcomed the Chair's clarification and asked the Chair to say how this matter would be put to the CAJP. He also pointed out that it was essential to consider the Group's mandate.

The delegation of El Salvador said that that was a procedural, not a political, matter. He stressed that the mandates were clear and that if it were a political matter, the member states would have committed a mistake in 11 resolutions and one presidential declaration.

The delegations of Argentina and Ecuador seconded the comments made by El Salvador.

The delegation of Ecuador asked that the Report include the matter of the required quorum and verbatim versions of the proposals put forward.

The delegation of Uruguay asked that the report be presented to the Group before being referred to the CAJP.

The delegation of the Dominican Republic suggested holding a meeting to see the report prior to referral to the CAJP. That proposal was seconded by the delegations of the Bolivarian Republic of Venezuela and of Panama.

Finally, the delegation of Colombia suggested referring back to what was said in the Permanent Council the previous year, when the matter was brought to the attention of the General Assembly.

The Chair announced that the proposal would be referred to the CAJP with an emphasis on the procedural matter and that a meeting would be convened to examine the report before its remittance.

2. Other business

There being no further business, the meeting was adjourned.