

PERMANENT COUNCIL OF THE
ORGANIZATION OF AMERICAN STATES

COMMITTEE ON JURIDICAL AND POLITICAL AFFAIRS

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14 March 2012
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Working Group to Prepare
a Draft Inter-American Convention Against
Racism and All Forms of Discrimination and Intolerance

WORK PLAN FOR THE 2011-2012 TERM

(Presented by the Chair and approved at the meeting held on October 17, 2011)

I. MANDATE

The OAS General Assembly, gathered in San Salvador, El Salvador, on June 8, 2011, issued resolution AG/RES. 2677 (XLI-O/11) "Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance" in which it reaffirmed "the will and the most resolute commitment of the member states to continue making efforts in the preparation and negotiation of such legally binding instruments as may be necessary to address the scourges of racism, racial discrimination, and all other forms of discrimination and intolerance."

It also acknowledged "the significant contributions made by Member States, OAS organs, agencies, and entities, other agencies of the United Nations, civil society organizations and other organizations, in regards to the on-going process of negotiations" and it made reference to the Report of Activities During the 2010-2011 Term, as presented by the Chair of the Working Group to Prepare a Draft Inter-American Convention Against Racism and all Forms of Discrimination and Intolerance to the Committee on Juridical and Political Affairs (CAJP/GT/RDI-174/11 rev. 5).

In the same resolution the General Assembly instructed "the Permanent Council to extend the mandate of the Working Group of the Committee on Juridical and Political Affairs and to entrust it with the preparation of legally binding instruments with due consideration of a convention against racism and racial discrimination, as well as an optional protocol or protocols that would, in addition, address all other forms of discrimination and intolerance, in accordance with the work plan and methodology that is adopted, taking into account, where possible, the progress set forth in document CAJP/GT/RDI-57/07 rev. 13, "Consolidated Document: Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance," and to continue the negotiations based on said instruments. For such purposes and in order to receive additional contributions, the Working Group will consider convening a special meeting, at an appropriate time during the 2011-2012 term, with the participation of government experts and representatives of Member States, specialized organizations of the Inter-American System and other regional systems, the United Nations specialized agencies and nongovernmental organizations."

The General Assembly also instructed that “the preparation, negotiation, and approval of the final drafts of said legal instruments are done simultaneously and concurrently, so as to ensure a comprehensive and coherent treatment of the scourges of racism, discrimination, and intolerance in the Hemisphere” and that this process “continues to promote contributions from member states; organs, agencies, and entities of the Organization of American States (OAS), taking into account the Inter-American Institute of Human Rights; the United Nations; and regional organizations; to urge those bodies to continue sending their written contributions to the Working Group for consideration; and, pursuant to the Guidelines for Participation by Civil Society Organizations in OAS Activities, contained in Permanent Council resolution CP/RES. 759 (1217/99), to request the Working Group to continue to receive contributions from groups in vulnerable situations and from interested civil society organizations.”

It also renewed the mandates to the Justice Studies Center of the Americas (JSCA) and the Inter-American Commission on Human Rights (IACHR), as set forth in paragraphs 5, 7, and 8 of resolution AG/RES. 2168 (XXXVI-O/06), and requested the General Secretariat to continue to provide support to the Working Group’s activities, through the Executive Secretariat of the IACHR and the Department of International Law of the Secretariat for Legal Affairs.

II. PROCEDURE

Pursuant to operative paragraphs 2, 3 and 4 of resolution AG/RES. 2677 (XLI-O/11), the General Assembly extended the mandate of the Working Group and it entrusted it with the preparation of legally binding instruments with due consideration of a convention against racism and racial discrimination, as well as an optional protocol or protocols that would, in addition, address all other forms of discrimination and intolerance, in accordance with the work plan and methodology that is adopted, taking into account, where possible, the progress set forth in document CAJP/GT/RDI-57/07 rev. 13, “Consolidated Document: Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance,” and to continue the negotiations based on said instruments.

In order to fulfill this mandate, the Chair has employed a two-faceted methodology. Firstly, to ensure a comprehensive and coherent treatment of discrimination, and intolerance, the Chair has asked the Department of International Law of the Secretariat for Legal Affairs to present a revised version of the Consolidated Document: Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance,” CAJP/GT/RDI-57/07 rev. 13, eliminating the references to racism and racial discrimination. Secondly, the Chair intends to undertake consultations with member states in an attempt to create a draft instrument on Racism and Racial Discrimination, taking into consideration the references to the same which were eliminated from the “Consolidated Document: Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance,” CAJP/GT/RDI-57/07 rev. 13.

The Chair anticipates that this methodology will result in the simultaneous and concurrent preparation, negotiation, and approval of the final drafts of said legal instruments, so as to adequately and equally address the scourges of racism discrimination and intolerance in the Hemisphere.

With a view to simplifying the negotiation process, the Chair suggests that once both drafts are ready and negotiations begin all alternative proposals and/or comments by delegations to any of the instruments under negotiation thereafter be included in two separate documents with proposals and comments corresponding to each of the instruments under negotiation and will only be included in the draft under negotiation if a consensus is reached on a specific language.

In accordance with this proposal, the Department of International Law has been instructed to prepare the document mentioned earlier using as a reference the document “Informational Document for Discussion and Negotiation Draft Inter-American Convention Against Racism and all Forms of Discrimination And Intolerance” (CAJP/GT/RDI-148/10), presented last year to the Working Group by the Chair and which constitutes a simplified version of the consolidated document in the sense that it does not include alternative proposals and/or comments made under the different articles of the draft under negotiations.

In order to negotiate both documents simultaneously and concurrently the Chair proposes that once the Group receives both documents, the Working Group would negotiate one article at the time. As one article gets approved, we would move to the other document and approve the corresponding article.

Furthermore, in view of the number of formally scheduled meetings, the possibility will be examined of holding informal meetings where necessary in order to contribute to progress in the work and the negotiation process.

This Work Plan is subject to any changes the Group may make or that may become necessary, as the work proceeds, to ensure the best possible results.

Joy-Dee Davis-Lake
Alternate Representative of Antigua and Barbuda to the OAS
Chair of the Working Group to Prepare
a Draft Inter-American Convention against
Racism and All Forms of Discrimination and Intolerance

III. WORK PLAN OF THE WORKING GROUP TO PREPARE A DRAFT INTER-AMERICAN CONVENTION AGAINST RACISM AND ALL FORMS OF DISCRIMINATION AND INTOLERANCE (CAJP/GT/RDI) (2011 -2012)

RESOLUTION	MANDATE	AREA RESPONSIBLE
<p>AG/RES. 2677 (XLI-O/11) Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance</p>	<ul style="list-style-type: none"> • To reaffirm the will and the most resolute commitment of the member states to continue making efforts in the preparation and negotiation of such legally binding instruments as may be necessary to address the scourges of racism, racial discrimination, and all other forms of discrimination and intolerance. • To instruct the Permanent Council to extend the mandate of the Working Group of the Committee on Juridical and Political Affairs and to entrust it with the preparation of legally binding instruments with due consideration of a convention against racism and racial discrimination, as well as an optional protocol or protocols that would, in addition, address all other forms of discrimination and intolerance, in accordance with the work plan and methodology that is adopted, taking into account, where possible, the progress set forth in document CAJP/GT/RDI-57/07 rev. 13, “Consolidated Document: Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance,” and to continue the negotiations based on said instruments. For such purposes and in order to receive additional contributions, the Working Group will consider convening a special meeting, at an appropriate time during the 2011-2012 term, with the participation of government experts and representatives of Member States, specialized organizations of the Inter-American System and other regional systems, the United Nations specialized agencies and nongovernmental organizations. • To instruct that the preparation, negotiation, and approval of the final drafts of said legal instruments are done simultaneously and concurrently, so as to ensure a comprehensive and coherent treatment of the scourges of racism, discrimination, and intolerance in the Hemisphere. 	<p>CAJP/GT/RDI IACHR DIL</p> <p>CAJP/GT/RDI</p>

	<ul style="list-style-type: none">• To instruct that this process, continues to promote contributions from member states; organs, agencies, and entities of the Organization of American States (OAS), taking into account the Inter-American Institute of Human Rights; the United Nations; and regional organizations; to urge those bodies to continue sending their written contributions to the Working Group for consideration; and, pursuant to the Guidelines for Participation by Civil Society Organizations in OAS Activities, contained in Permanent Council resolution CP/RES. 759 (1217/99), to request the Working Group to continue to receive contributions from groups in vulnerable situations and from interested civil society organizations.• To renew the mandates to the Justice Studies Center of the Americas (JSCA) and the Inter-American Commission on Human Rights (IACHR), as set forth in paragraphs 5, 7, and 8 of resolution AG/RES. 2168 (XXXVI-O/06).• To request the General Secretariat to continue to provide support to the Working Group's activities, through the Executive Secretariat of the IACHR and the Department of International Law of the Secretariat for Legal Affairs.• To request the Permanent Council to report to the General Assembly at its forty-second regular session on the implementation of this resolution, the implementation of which shall be subject to the financial resources available in the Program-Budget of the Organization and other resources.	CAJP/GT/RDI JSCA IACHR IACHR DIL CAJP/GT/RDI PC
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IV. CALENDAR OF ACTIVITIES AND MEETINGS OF THE WORKING GROUP TO
PREPARE A DRAFT INTER-AMERICAN CONVENTION AGAINST RACISM AND ALL
FORMS OF DISCRIMINATION AND INTOLERANCE
(2011-2012)

DATE	TOPIC
OCTOBER 2011	
October 17 Monday - 10:00 a.m.	<ul style="list-style-type: none">• Election of the Vice Chairs of the Working Group• Presentation and consideration of the Draft Work Plan for the 2011-2012 term
NOVEMBER 2011	
November 17 Thursday - 10:00 a.m.	<ul style="list-style-type: none">• Presentation of the following documents:<ul style="list-style-type: none">• Draft Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance (CAJP/GT/RDI-179/11 corr. 1)• Draft of a Legally Binding “Instrument” Against all Forms of Discrimination and Intolerance (CAJP/GT/RDI-180/11)
DECEMBER 2011	
December 13 Tuesday - 10:00 a.m.	<ul style="list-style-type: none">• Negotiations of draft instruments
JANUARY 2012	
January 17 Tuesday 2:30 p.m.	<ul style="list-style-type: none">• Negotiations of draft instruments

FEBRUARY 2012	
February 1 Wednesday 2:30 p.m.	<ul style="list-style-type: none">• Negotiations of draft instruments
February 9 Thursday 10:00 a.m.	<ul style="list-style-type: none">• Negotiations of draft instruments
MARCH 2012	
March 8 Thursday 10:00 a.m	<ul style="list-style-type: none">• Negotiations of draft instruments
March 19 Monday 10:00 a.m.	<ul style="list-style-type: none">• Negotiations of draft instruments
March 29 Thursday 10:00 a.m.	<ul style="list-style-type: none">• Negotiations of draft instruments• Consideration of the draft resolution for the GA
APRIL 2012	
April 10 Tuesday 10:00 a.m.	<ul style="list-style-type: none">• Negotiations of draft instruments• Consideration of the draft resolution for the GA
April 27 Friday 10:00 a.m	<ul style="list-style-type: none">• Consideration of the draft resolution for the GA• Final Report