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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

Summary of the meeting of October 17, 2011

The Working Group, chaired by the Alternate Representative of Antigua and Barbuda to the OAS, Joy-Dee Davis, met to consider the items on the order of business, document CAJP/GT/RDI-178/11.

The following delegations participated in this meeting: Antigua and Barbuda, Argentina, Bahamas, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Mexico, Panama, Paraguay, and St. Vincent and the Grenadines.

1. Consideration of the Draft Work Plan for the 2011-2012 Term (CAJP/GT/RDI-177/11)

The delegation of Mexico expressed its appreciation to the former Chair for having found a way out of the impasse that this Working Group had experienced. It thanked the Chair for presenting the draft work plan and said that it understood that the two draft documents would be ready for consideration at the next meeting, scheduled for November 8. In addition, it requested clarification about the documents from the Department of International Law, asking if they would have similar content to the “Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance” (document CAJP/GT/RDI-57/07 rev. 13).

Mr. Diego Moreno of the Department of International Law referred to the methodology suggested by the Chair, according to which his area would present a revised version of the “Consolidated Document: Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance” (document CAJP/GT/RDI-57/07 rev. 13), eliminating the references to racism and racial discrimination. He said that he had been discussing with the Chair the preparation of a draft instrument on racism and racial discrimination, and since there are no other options, the Department would be able to assist in this matter.

The delegation of Costa Rica said that at one point it had been thought that Costa Rica might take this initiative, with the support of the Inter-American Institute of Human Rights, to present drafts for discussion, but this had not been possible because of budgetary limitations. It also asked the Secretariat about the status of the consolidated document.

Mr. Diego Moreno of the Department of International Law addressed the status of the consolidated document and said that Article 1.1 had been broken down into two paragraphs: the first part was approved ad referendum by the delegation of Canada, which is currently not participating in the process, and the second part contains a footnote that there had not been a quorum for its approval. He added that negotiations would take into account the revised document, but there would be two new instruments.

The delegation of Ecuador said that it understood that the earlier document would be the primary basis for preparation of the two documents to be submitted for consideration, and that references to racism would be removed from that document, and that references to discrimination and intolerance would be removed from the other instrument, and vice versa. If one of the two documents is longer, an effort would be made to facilitate the negotiation to permit alternation between the two instruments. The delegation asked if additional input had been considered for these instruments or if it would be necessary to update them. With respect to the language used in the resolution, the delegation asked the Chair's opinion whether the language reflected a definition of the instruments or whether this discussion is pending. Thirdly, it requested more information on the special meeting mentioned in the resolution. It understood that the special meeting would be for the sole purpose of receiving input from other stakeholders to enhance the two documents.

Mr. Diego Moreno of the Department of International Law said that they would follow the precise instructions of the Chair and the Secretariat would not add new elements to these instruments. He said that the language of the resolution could not be amended, but if the Working Group considered some adjustments necessary, they could be submitted to the next General Assembly through a draft resolution. From a legal standpoint, the instrument's title is irrelevant in terms of the rights and duties that emanate from each of the instruments. What is important is the document's substance, not the title given to the instruments.

The Chair referred to the negotiations on the draft resolution, from which it is not clear whether a special meeting is necessary, and said it would be up to the Working Group to decide whether it is pertinent or not. She added that she intends to present both drafts to the delegations and that at that time they could consider whether the special meeting is necessary, given the Organization's budgetary limitations.

The delegation of Guatemala referred to the methodology and asked for clarification about it.

The Chair said the instruments would be negotiated at the same time, because after one article is considered they would move on to the other document, and thus simultaneously.

The delegation of Argentina agreed with Costa Rica's view that articles already agreed upon in the consolidated document should be respected. As to the methodology, the delegation said that it should be in accordance with the provisions of the mandate.

The delegation of Mexico expressed its agreement with preparation of the proposals by the Department of International Law, and said it hoped the drafts would be ready for the meeting on November 8, 2011.

The delegation of Peru asked about deadlines for submitting comments on the documents, considering that there were already drafts of them for the meeting of November 8, 2011.

The Chair said that the delegations would have about one month to submit their comments, because the next meeting would be on December 2.

The delegation of Costa Rica said the new documents must be based on already agreed-upon language, and the proposals prepared by the Department of International Law must accurately reflect this. It said the consultation should be opened up to other stakeholders, and that it was essential to have to views of civil society organizations and other bodies, entities, and organs, since the convention or instruments proposed would be a document with a single reference to three articles of the base convention. Input from these other entities is needed to strengthen the document, taking into account developments that have taken place since 2005. The delegation said in closing that it would like to see more active participation by the IACHR, which had been notably absent from this meeting.

The delegation of Argentina said it would not like to see a new document, but rather a view of the consolidated text in the different instruments.

The delegation of Panama said it was important to have the IACHR present throughout the Working Group's work, and that greater cooperation and synergy with the Working Group was needed.

The Chair took note of the comments and said that she had met with the Executive Assistant of the IACHR and it was not clear how the Commission would be represented until at least January.

The Group's work plan was approved as presented.

2. Election of the Vice Chairs of the Working Group

In accordance with Article 28.b of the Permanent Council's Rules of Procedure, the Working Group elected its Vice Chairs.

The delegation of Costa Rica nominated Ms. Shopie Isabel Castellero, Alternate Representative of Panama to the OAS; the delegation of Peru seconded the nomination.

The delegation of Bahamas nominated Ms. Kendall Belisle, Alternate Representative of Belize to the OAS; the delegation of St. Vincent and the Grenadines seconded the nomination.

The Vice Chairs were elected by acclamation.

3. Other business

There being no other business, the meeting was adjourned.