

REASONED VOTE BY DR. KEITH HIGHET

**ON THE OPINION TO THE DRAFT PROTOCOL
ON REFORM OF THE OF OAS CHARTER AND THE
DRAFT RESOLUTION TO AMEND THE AMERICAN DECLARATION OF THE
RIGHTS AND DUTIES OF MAN:
SITUATION OF WOMEN IN THE AMERICAS**

In connection with the opinion issued by the Inter-American Juridical Committee, it is important to understand that there are substantive differences between the English language and the other three official languages of the Organization. French, Portuguese and Spanish, being Romance in origin, change the gender of personal possessive pronouns in accordance with the gender of the noun which they modify. In English, however, the result is precisely the opposite, as nouns do not possess gender; the possessive personal pronouns reflect the sex of the person to whom they are attached.

Thus, if any attempt is made to amend the instruments in the Inter-American legal system, it will not be enough simply to change the word "man" for the word "person", but the personal possessive pronouns in English throughout the instruments would have to be reviewed for consistency. A complete amendment would substitute the expression "he" or "she" for "he", "him" or "her" for "him", and "his" or "hers" for "his".

Therefore an amendment process intended to create a completely gender-neutral context for Inter-American instruments may be considerably more complex in English than it is in the other three official languages. Any decision by the General Assembly which did not recognize this problem would be incomplete and problematic.

It is in part for this reason that I prefer the solution adopted by the Committee: an interpretative declaratory resolution that addresses the heart of the matter and leaves no room for doubt as to the proper legal use of words as to which popular interpretation may be changing over time.