

CONSEJO PERMANENTE



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ACTA  
DE LA SESIÓN EXTRAORDINARIA  
CELEBRADA  
EL 16 DE DICIEMBRE DE 2014

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## CONSEJO PERMANENTE DE LA ORGANIZACIÓN DE LOS ESTADOS AMERICANOS

### ACTA DE LA SESIÓN EXTRAORDINARIA CELEBRADA EL 16 DE DICIEMBRE DE 2014

En la ciudad de Washington, D.C., a las once y veinte de la mañana del martes 16 de diciembre de 2014, celebró sesión extraordinaria el Consejo Permanente de la Organización de los Estados Americanos para recibir al Ministro de Relaciones Exteriores e Inmigración del Commonwealth de las Bahamas, el excelentísimo señor Frederick A. Mitchell, M.P. Presidió la sesión el Embajador Bayney R. Karran, Representante Permanente de Guyana. Asistieron los siguientes miembros:

Embajador Denis Ronaldo Moncada Colindres, Representante Permanente de Nicaragua  
Embajador Hubert J. Charles, Representante Permanente del Commonwealth de Dominica  
Embajador Leonidas Rosa Bautista, Representante Permanente de Honduras  
Embajador Andrés González Díaz, Representante Permanente de Colombia  
Embajador Stephen C. Vasciannie, Representante Permanente de Jamaica  
Embajadora Sonia Johnny, Representante Permanente de Santa Lucía  
Embajador Elliston Rahming, Representante Permanente del Commonwealth de las Bahamas  
Embajadora Elisa Ruiz Díaz Bareiro, Representante Permanente del Paraguay  
Embajador José María Argueta, Representante Permanente de Guatemala  
Embajador Bocchit Edmond, Representante Permanente de Haití  
Embajador Pablo Barahona Kruger, Representante Permanente de Costa Rica  
Embajador Hugo Cayrús Maurin, Representante Permanente del Uruguay  
Ministro Consejero Breno de Souza Brasil Dias da Costa, Representante Interino del Brasil  
Consejera Jennifer May Alice Loten, Representante Interina del Canadá  
Ministro Raúl Salazar Cosío, Representante Interino del Perú  
Embajador Edward Aníbal Pérez Reyes, Representante Interino de la República Dominicana  
Ministra Consejera Ardelle Lisette Sabido, Representante Interina de Belize  
Consejero Kenneth J. Amoksi, Representante Interino de Suriname  
Embajador Marcelo Vázquez Bermúdez, Representante Interino del Ecuador  
Embajadora Carmen Luisa Velásquez de Visbal, Representante Interina de Venezuela  
Embajador Luis Menéndez-Castro, Representante Alterno de El Salvador  
Ministro Consejero Omari Seitu Williams, Representante Alterno de San Vicente y las Granadinas  
Consejero Iván Chanis Barahona, Representante Alterno de Panamá  
Kemoy Liburd Chow, Representante Alterna de Saint Kitts y Nevis  
Consejero Frank Tressler, Representante Alterno de Chile  
Primera Secretaria Candida Oneka Daniels, Representante Alterna de Guyana  
Ministra María Isabel Marca Choque, Representante Alterna de Bolivia  
Primera Secretaria Nicole Natasha Parris, Representante Alterna de Barbados  
Tercer Secretario Daniel Alberto Cámara Ávalos, Representante Alterno de México  
Ministro Julio César Ayala, Representante Alterno de la Argentina  
Primera Secretaria Gillian Ingrid Joseph, Representante Alterna de Antigua y Barbuda  
Consejero Anthony Pahigian, Representante Alterno de los Estados Unidos  
Consejero Colin Michael Connelly, Representante Alterno de Trinidad and Tobago

También estuvo presente el Secretario General Adjunto, Embajador Albert R. Ramdin, Secretario del Consejo Permanente.

El PRESIDENTE: Good morning, everyone! I am pleased to call to order this special meeting of the Permanent Council, which has been convened to receive the Honorable Frederick A. Mitchell, M.P., Minister of Foreign Affairs and Immigration of The Bahamas. I am pleased to extend a very warm welcome to Minister Mitchell on behalf of the distinguished representatives and all of the ladies and gentlemen gathered here this morning

#### PALABRAS DEL PRESIDENTE DEL CONSEJO PERMANENTE

El PRESIDENTE: Your Excellency Mr. Frederick Mitchell; Your Excellency Mrs. Paulette Adderley-Zonicle, Consul General of The Bahamas in Washington D.C.; your excellencies, members of the delegation that accompanies the Minister of Foreign Affairs of The Bahamas; Your Excellency Ambassador Albert Ramdin, Assistant Secretary General of the Organization of American States; Your Excellency Ambassador Elliston Rahming, Permanent Representative of The Bahamas to the Organization of American States; your excellencies, permanent and alternate representatives to the OAS; your excellencies, permanent observers to the OAS; ladies and gentlemen:

It is for me a great honor to welcome to this House of the Americas the Honorable Frederick A. Mitchell, M.P., Minister of Foreign Affairs and Immigration of The Bahamas.

Minister Mitchell was appointed to his current post as head of the Ministry of Foreign Affairs and Immigration of The Bahamas in May 2012, after having served in various high-level positions within the Government of The Bahamas. He was Minister of Foreign Affairs and Public Service from 2002 to 2007, and Chairman of The Bahamas Senate Select Committee on Culture from 1992 to 1997.

As Minister of Foreign Affairs, he was instrumental in the process to integrate Haiti as a member of the Caribbean Community (CARICOM). He has also served as Chairman of the Council for Foreign and Community Relations of CARICOM, is a founding member of The Bahamas Committee on Southern Africa, and was Chairman of the Commonwealth Observer Group to the presidential elections in Cameroon in 2011. Minister Mitchell has negotiated a number of important international agreements on behalf of The Bahamas, including the Schengen Visa Agreement and the European Union's Economic Partnership Agreement (EPA).

Minister Mitchell has a bachelor's degree in English literature from Antioch College, a master's degree in public administration from Harvard University, and a bachelor of law degree from the University of Buckingham. He has also attained professional certificates of calls to both the English and Bahamian bars.

Minister Mitchell, the coat of arms of your country depicts the ship of Columbus, the Santa María, as testimony to Columbus' first landfall in the Americas, where he proceeded to trade with the Lucayan people of The Bahamas. Ever since this historic first encounter between Europeans and Americans, The Bahamas has been accommodating many in need of shelter, be they freed slaves, Americans loyal to the British, Black Seminoles, and even pirates of the Caribbean.

But your country, Minister, is also known for its unyielding commitment to the ideals of this Organization, of which it has been a part since March 3, 1982. Through these years, the Government of The Bahamas has worked with the Organization to advance on areas, such as democracy, security, education, and culture. No doubt it is these ideals and practices, along with its abundant natural

beauty and resources, that have combined to give The Bahamas the third highest standard of living in the Hemisphere.

Through you, Minister Mitchell, we would like to greet your fellow countrymen, the friendly people of The Bahamas, a people whose culture is steeped in folklore, traditions, and legends; a people who celebrate and value their community and their country, which they liken to paradise; a people whose country occupies more than 700 islands across a vast stretch of the clear blue and beautiful Caribbean Sea.

Minister Mitchell, once again I'm honored, on behalf of the OAS, to welcome you to this hallowed Hall of the Americas.

#### PALABRAS DEL SECRETARIO GENERAL ADJUNTO

El PRESIDENTE: I am now pleased to give the floor to Ambassador Albert Ramdin, Assistant Secretary General. Ambassador Ramdin, you have the floor.

El SECRETARIO GENERAL ADJUNTO: Thank you very much, Mr. Chairman.

Distinguished permanent and alternate representatives, following that comprehensive introduction of Mr. Fred Mitchell, Minister of Foreign Affairs and Immigration of the Commonwealth of The Bahamas, and of the membership of The Bahamas in the Organization of American States, I'll be relatively brief.

On behalf of the General Secretariat, welcome to the OAS, Minister Mitchell and delegation! We are very pleased that you will be speaking about immigration issues that have been discussed over the past couple of weeks, as well as other matters. The Bahamas is a valuable member of the Organization of American States and plays a critical role in shaping immigration policy in the Hemisphere.

Yesterday, when the Secretary General and I met with Minister Mitchell, we discussed many more issues than just immigration. We look forward to listening to Minister Mitchell's statement this morning.

I hope that your visit to the Organization and the discussions you have had here, including with the Inter-American Commission on Human Rights (IACHR), will prove to be valuable to the cause for which you are here. I do hope that they will open up a space for a much broader discussion on migration issues within the OAS. We stand ready to work with you, Minister, on that process.

I had the opportunity to speak a couple of weeks ago with the Prime Minister of The Bahamas, the Honorable Perry Christie, on this matter of immigration. We understand the concerns but also the need for clarification of some of the issues raised in the media and among our membership.

So, Minister, I look forward to your presentation. The Organization of American States stands ready to assist The Bahamas in whatever way we can as it deals with some of the matters at hand. I thank you very much again for your visit.

El PRESIDENTE: I would like to thank Ambassador Ramdin for his comments.

## PRESENTACIÓN DEL MINISTRO DE RELACIONES EXTERIORES E INMIGRACIÓN DE LAS BAHAMAS

El PRESIDENTE: I'm now pleased and honored to give the floor to the Honorable Minister Fred Mitchell. You have the floor, sir.

El MINISTRO DE RELACIONES EXTERIORES E INMIGRACIÓN DE LAS BAHAMAS: Thank you very much, Mr. Chair—distinguished Ambassador, my good friend—and also to Assistant Secretary General Albert Ramdin. Excellencies all, good morning!

Let me first thank the Secretary General and you, Assistant Secretary General, for all the courtesies extended to me and my delegation during this visit. As both the Secretary General and the Assistant Secretary General are expected to demit office within the coming months, this may be the last formal opportunity I have to say thank you to you for your service to the Organization of American States and its ideals. The Bahamas thanks you for your leadership. I wish also to publicly acknowledge the work of the delegations of our fellow Caribbean Community (CARICOM) member states in making this visit possible, and, more generally, to acknowledge all delegations.

I want to congratulate the Commonwealth of Dominica and its Prime Minister, Roosevelt Skerrit, on the general election held on December 8, and I want to congratulate President Dilma Rousseff of Brazil, who will be sworn in for a second term, I'm told, on January 1. I wish to acknowledge the work of the Prime Minister of Haiti, Laurent Lamothe, who has announced his resignation from office. The Bahamas conveys warm felicitations to them all.

Mr. Chair, on behalf of Prime Minister Perry Christie, the Government, and the people of the Commonwealth of The Bahamas, I appear here today to deal with a serious matter: the reputation of The Bahamas. Nothing is more important to us than that in the subregion, in the Hemisphere, in the international arena, or around the world. Reputation is everything. The respect we receive around the world depends upon our reputation. In Shakespeare's *Othello*, he writes: "But he that filches from me my good name robs me of that which not enriches him and makes me poor indeed."

My nation of less than 400,000 souls thrives off of its reputation. Tourism is our main business. People come to The Bahamas as tourists because they believe and perceive that "It's Better in The Bahamas," and it is! As I have represented my country around the world, from far from our shores to near to our shores, when I mention that I am from The Bahamas, the response is: "Aha! The Bahamas!" After I was coming off a long plane trip, a customs and border control officer at the New York airport said to me: "Why are you looking sad? You live in paradise!" The Bahamas is paradise, and we work very hard to maintain that reputation.

Thousands of business people and nonBahamians live in our country because it has a stellar reputation as a safe place for investment and wealth management and as a well-regulated, transparent jurisdiction. What we know, however, is that we must be eternally vigilant in protecting our reputation, correcting untruths and misrepresentations where they exist, and, of course, ensuring that within our borders and in our external relations, we so conduct ourselves that we, to the extent that our resources permit, adhere to the highest standards and best practices, as set by the international community.

I'm here today to reaffirm our commitment to the principles of the rule of law and due process, the international treaties on migration, and all the instruments to which we adhere in the inter-American system. Please be assured of that.

This assurance goes out to friend and foe alike and has become necessary because of the misinformation that has been circulated regarding two innocuous administrative measures announced by The Bahamas and which took effect on November 1, 2014. The policies were contained in a one-page document that advised the public that work permit applications would not be accepted from people who did not have legal status in The Bahamas without them first being certified as having been seen at one of our consular offices in their home country or in the nearest office to their home country. Second, all nonnationals who live in The Bahamas would have to get and hold the passport of their nationality and obtain a residency permit, which would be evidence that they have the right to live and work in The Bahamas.

These policies should not have been a surprise. The political party to which I belong announced that we would be pursuing immigration reforms prior to our election to office in 2012. We announced that changes were coming in policies in the first budget debate following the general election in 2012. We announced in the budget debate of 2014 that changes were coming, including, specifically, that there would be a requirement for the passport of the nationality of the individual.

On July 28, during an official visit of the President of Haiti to The Bahamas, we advised the Haitian Government that we proposed to do so and sought their advice on whether they could meet the expected demand for passports at their embassy in The Bahamas. The President indicated that they could. A similar exchange was held with the Foreign Minister of Haiti, my distinguished colleague, on the margins of the United Nations General Assembly in September. The Foreign Minister of Haiti and I spoke again, on the margins of the Summit in Havana, Cuba, last week, and the Haitian Government has indicated that it will take measures to meet the expected demand. For this, The Bahamas thanks the Haitian Government.

In our conversations with the International Organization for Migration (IOM), we have sought assistance for capacity-building in Haiti to solve any possible problems in that regard.

The narrative I've just unfolded is given for two reasons: first, to emphasize that this should not have been a surprise to anyone; and second, to show that in planning and executing these policies, we consulted with all of the stakeholders in the country on whom there may have been impacts. We met with the leaders of the Haitian community in The Bahamas. The Department of Immigration, which is charged with the responsibility for executing these policies, has an Enforcement Unit. Each day, they go out and do immigration checks. The press, both at home and abroad, keep referring to these as "roundups" or "raids." There are no roundups in The Bahamas under my watch. Roundups are for cattle, not for people, and words make a difference.

On November 1, the Department of Immigration did what it usually does, and in the course of one of those checks, parents abandoned their children and left the children unaccompanied in their homes. This was later borne out in the press by one parent, who indicated that he ran and told the children not to open the door.

The Constitution of our country empowers officers to arrest people who are committing offenses on the following standard: a reasonable suspicion that an offense has been committed, is being committed, or is about to be committed. Officers are briefed on that standard and reminded each day of their responsibility under the law to treat everyone with respect and with dignity and to afford everyone due process. So far as I am aware, they have stuck to that standard, and the Government does not sanction any deviation from that standard.

The Inter-American Commission on Human Rights (IACHR) is invited, with the Organization of American States, to come at any time and inspect our procedures and facilities and see whether what we are saying is correct. We are open and transparent and have absolutely nothing to hide. Where there are shortfalls, we are committed to ensuring that those are corrected.

Why are openness and transparency, and our support of an open and transparent process, important?

Three allegations have been made that bear addressing in this forum and go to the heart of the matter of our country's reputation. There is a Queen's Counsel in The Bahamas who heads a human rights organization that is connected around the world and whose allegations have made headlines in the Hemisphere and around the world. The specific charges must be refuted. He has accused the Government of "institutional terrorism," "ethnic cleansing," and "running Auschwitz in The Bahamas," referring to the Carmichael Road Detention Center in The Bahamas. The latter statement alleged in particular that this Minister was responsible for "Auschwitz in The Bahamas."

Mr. Chair, words have meanings, and when a Queen's Counsel makes such a statement, he must be put to proof because, certainly, the Government of The Bahamas is bound to respond. Let me say clearly: there is no "institutional terrorism" in The Bahamas, no "ethnic cleansing," and no "Auschwitz in The Bahamas." No group is being targeted for elimination in The Bahamas. No mass murder is occurring in The Bahamas, and certainly none which is sponsored or sanctioned by the State. There is no evidence anywhere that this is the case, and we refute it absolutely.

We once again repeat the invitation to the human rights bodies of the OAS to inspect at any time and without notice. The fact is that the United Nations Commission on Human Rights has a representative in The Bahamas, who has been to the Carmichael Road Detention Center and can say whether or not we are operating gas chambers and engaging in mass murder in the Detention Center. The remarks are so outrageous and absolutely irresponsible, and I condemn them without reservation.

In that unfortunate gentleman's latest press statement, he has indicated that he will bring the complaints to the OAS. We will meet him head on, and we stand here, unflinching, in the face of those spurious allegations.

Next, I would wish to address why the policies have become necessary. First, with regard to work permits, we sought by the policy to address the message going out to source countries that all you have to do is make your way to The Bahamas, get a friendly employer, get a work permit, and then you're good to go. This was driving irregular migration. The policy is intended to put a stop to it.

On the question of passports and residency permits, the Constitution of The Bahamas, which we received on July 10, 1973, the day of our independence, does not grant citizenship to people born in The Bahamas at birth unless your parents are Bahamian. Unfortunately for many, they chose not to get the passport of their nationality at the birth of their children, or a residency stamp, and so those children live in a kind of no man's land until they reach their 18th birthday. It is at that time that the Constitution says that you can apply for citizenship of The Bahamas, but you must do so before your 19th birthday.

The new procedures are meant to solve that problem of living in a no man's land. It will now mean that so long as your parents are lawfully in The Bahamas and you're a minor, anyone who is born in The Bahamas can get a residency permit to work and live in The Bahamas until such time as

their citizenship applications are determined, should they choose to so apply. This puts all persons in this particular class in a better position.

I need to add that holding the passport of their nationality does not prejudice their right under the Constitution to apply for citizenship. Also, in most cases in which citizenship is not granted, the applicant receives permanent residence, with the right to work. Many people in that class have been using a certificate of identity document instead of the passport of their nationality. That document does not evidence permission to be in The Bahamas, and so all official acts, like the opening of a bank account or getting a driver's license, are off limits to those people who rely on that document. With the new Residence Certificate, to be known as a Belonger's Permit, this problem is resolved.

This policy, therefore, is not about revoking anyone's citizenship or right to apply. No one's rights are being taken away *ex post facto*. This is about ensuring that the rights of people are protected—the exact opposite. What confounds us is how such an innocuous policy has suddenly become such a *bête noir* around the Hemisphere. What have not helped are the irresponsible statements of a Florida legislator, who has spread much of the misinformation about this matter on the basis that she is concerned about the children of migrants. The rule, Mr. Chair, is that when illegal migrants are repatriated to their home country, the children must go with their parents. This is the accepted practice and norm around the world, and we do not deviate from that standard.

There has been criticism at home and abroad about keeping children in the detention centers. The Prime Minister has instructed us, and we have found a suitable facility for alternative arrangements. The Department of Social Services has spoken to the Catholic Church and the Church of God in The Bahamas with a view to identifying such a facility. I was informed this morning by the Minister for Social Services that plans have been settled for the facility to house children away from the detention center.

Now, the question of resources. You can imagine that this costs The Bahamas millions of dollars per year, money that we can scarcely afford. Repatriation alone costs us some \$1.5 million per year. We would wish source countries to do all that they can to stop the flow of migrants. At one point in October of this year, we had three days of arrivals of 100 people per day on rickety wooden boats, and we know that people have died trying to make these journeys. I pointed out to my colleague, the Haitian Foreign Minister, an article that appeared in the *Miami Herald* about an interview with a man on the street in Île de la Tortue. In it, they said that the poverty was so extreme that they had no work and that boats were being built to set off to The Bahamas and to the United States. The distinguished Permanent Representative of Haiti, who is sitting with us today, indicated yesterday that this matter was referred to Haiti's Minister of Justice, and they can find no evidence that boats are being built to set off to The Bahamas. We thank them for that. We must, however, be eternally vigilant.

The International Organization for Migration has indicated that it appears that those who come to our country are mainly headed to the United States, and their stay in The Bahamas is temporary or preliminary to going to the United States. What this means, then, is that this is a multinational problem, and all countries in our subregion—Haiti, the Dominican Republic, Cuba, the Turks and Caicos Islands, and the United States of America—must work to solve the more deep-seated issues connected with this matter: poverty, underdevelopment, and political instability.

So, Mr. Chair, The Bahamas comes today to set the record straight on this matter, and we trust that we have disabused all countries of the notion that anything untoward is happening with

respect to migrants. We have struggled with this problem for centuries. We will continue to manage the problem, consistent with our international obligations and with the law.

Now to the broader issues. While the challenges of irregular migration and benefits of regular migration in the Americas are clear, perhaps more important, as a discussion focus for this forum, and less discussed generally nowadays, is the contemporary phenomenon of brain drain and its associated negative externalities. It has become taboo in some quarters to speak of the negative impact of brain drain on the developing world; however, the ongoing negative impact, particularly on small developing countries, is also abundantly clear. This is the other excess with which we as a region must contend.

As a region, the Caribbean, more than any other area, continues to lose a significant percentage of the labor force in general, and of educated labor in particular. The brain drain is such a problem for the Caribbean because of the high proportion of skilled nationals who migrate; they represent between 60 to 90 percent of the skilled population in most countries of the region. The cumulative effect of the loss of the best and the brightest has the potential to further exacerbate existing levels of poverty and inequality in societies in our home countries.

Additionally, for many of our countries, the brain drain signifies lost social investment, which can come in the form of government investments in health care and education through the provision of primary and secondary schooling and tertiary funding. These prior social investments form a considerable portion of the gross domestic product (GDP) of many Caribbean countries.

To further compound the impact of brain drain beyond the lost investment in previous training, many of the skilled professionals who leave, such as nurses, doctors, teachers, and engineers, remain undersupplied in the Caribbean. So here, as with the challenge of irregular migration, there is a need to focus on long-term drivers and push factors and on diminishing the hallmarks of often uneven underdevelopment that continue to plague our member states and provide the catalyst for migration. In order to ensure more retention of top human capital and to attract those abroad back home, our governments must redouble efforts at bolstering development, particularly with a view to providing access to local tertiary education facilities, economies that provide sustained and diverse job opportunities, and safe and vibrant communities in which citizens can live.

Contemporary migration is a complex phenomenon that involves consideration of the individual's origin and destination country interests. While today, it seems that much of the gains from hemispheric talent are skewed towards the developed countries of the Hemisphere, we, as origin countries, must take up the mantle of solving our own problems and work to ensure that our economies and societies are competitive, given today's global reality.

Here, the OAS has a key role to play in helping member states, particularly developing states, by promulgating policies that enhance the natural synergies between migration and development; diminishing excesses from regular and irregular migration that place a drag on our development, particularly for small states; and focusing on ameliorating the root forces that contribute to irregular migration and the loss of talent.

Mr. Chair, the OAS has a legacy and a comparative advantage through the Universal Civil Identity Project of the Americas (PUICA) and its projects, particularly those involving civil identity initiatives. All the pillars of the OAS are relevant to meeting the negative challenges associated with hemispheric migration. However, assistance in the areas of democracy, human rights, and citizen

security all help states continue to work in a holistic manner to resolve issues that might spur migration beyond the search for a job opportunity or educational advancement prospects.

As I indicated at the outset, migration in search of a better opportunity is a natural human instinct, and human capital as capital tends to flow where it can be maximized and optimally used. Notwithstanding the naturalness of the instinct to seek out better opportunities, as with the imperative of states to manage regular immigration in order to maintain territorial integrity, there are imperatives on states to get a handle on migration of nationals, particularly skilled migration, to limit any negative impacts on development. It is this imperative that we as a Hemisphere must more seriously address in order to ensure a future of sustainable development across the region. The true developmental charge of the Americas for the next decade is that we must work in our countries collectively and through the OAS to gradually change the calculus that has spawned irregular migration and loss of talent, so that there is a more equitable and synergistic benefit from the vast human capital of the Americas going forward.

Mr. Chairman, my country looks forward to working with the OAS to meeting the challenges posed by migration, both regular and irregular, in the Americas. We stand willing to host a conference of interested states in the Hemisphere and subregion on the issue of migration.

In 2012, I had the distinct pleasure of leading my country's delegation to Rio de Janeiro, Brazil, for the United Nations Conference on Sustainable Development (Rio+20), and I am reminded that the negotiated outcome document was so adequately titled *The Future We Want*. Keeping that theme in mind, The Bahamas looks forward to working with other member states to continue to shape the OAS that we all want.

As our hemisphere prepares for the upcoming Summit of the Americas in Panama, The Bahamas joins those who express the hope that Cuba will join us around the table so that, at the highest levels of discussion, we will finally truly engage the full family of the Americas.

I know the elections of the Secretary General and the Assistant Secretary General are coming up, and I remain hopeful that in my lifetime, this Organization can be led by a Secretary General from CARICOM—certainly an achievement for the Organization that is past due and a ceiling that must be broken.

As the Organization embarks on management modernization, enhancing fiscal governance, and reform of the General Standards to Govern the Operations of the General Secretariat, The Bahamas remains committed to supporting this process so that our Organization will continue to strive to meet international standards and expectations, remain the political forum *par excellence* that it is, and match the dynamism of the Hemisphere it seeks to shape.

In parting, I take this opportunity to extend best wishes to all of you for a safe and festive season.

Mr. Chair and members, in Shakespeare's *Othello*, he writes: "He that filches from me my good name robs me of that which not enriches him and makes me poor indeed." The Bahamas stands by its good name.

I thank you very much indeed.

[Aplausos.]

El PRESIDENTE: Thank you very much, Minister Mitchell.

[Pausa.]

### PARTICIPACIÓN DE LAS DELEGACIONES

El PRESIDENTE: I would like to open the floor to delegations that may wish to comment. I see that the Ambassador of Haiti has requested the floor. You have the floor, sir.

El REPRESENTANTE PERMANENTE DE HAITÍ: Merci, Monsieur le Président.

Monsieur le Président, Monsieur le Secrétaire général adjoint, Monsieur le Ministre des affaires étrangères, chers collègues et amis,

Tout d'abord, je voulais saluer la présence de Son Excellence Monsieur Fred Mitchell, Ministre des affaires étrangères de la nation sœur des Bahamas, pour sa présence ici au Conseil permanent, en vue d'avoir ou du moins de contribuer à ce dialogue franc sur les dernières mesures qui ont été adoptées dans son pays, en ce qui a trait à la politique migratoire.

Tout d'abord, je dois dire que mon pays, la République d'Haïti, en n'aucun cas ne souhaite ou ne veut mettre en question les dispositions d'un État souverain en ce qui a trait à sa politique migratoire. Toutefois, étant donné qu'une grande majorité de la communauté haïtienne vivant dans ce pays est affectée par cette décision, nous croyons légitime de faire certains points ou du moins de faire certaines remarques en ce qui a trait à ces décisions.

Monsieur le ministre, encore une fois, je tiens à vous remercier publiquement. Hier nous avons eu un entretien respectueux, cordial et aussi franc. Comme je l'ai dit tantôt, mon pays, la République d'Haïti, n'a pas l'intention de contester les décisions prises par le Gouvernement bahamien, mais nous avons des préoccupations.

Ces préoccupations sont surtout sur les conditions d'arrestation, de détention et de déportation de nos ressortissants. Ce qui nous préoccupe le plus c'est du fait qu'il y a aussi des mineurs qui ont été pris dans toute cette vague d'arrestations et de déportations. Vous savez, quand il s'agit de mineurs, quand il y a des situations de mineurs non accompagnés, ça doit attirer non seulement la République d'Haïti mais toute la communauté internationale.

Aussi, la nouvelle politique concernant les permis de travail risque que forcer bon nombre de migrants haïtiens dont le permis n'est pas renouvelé à temps, c'est-à-dire de retourner en Haïti pour déposer leur application. Vous prenez le cas des ressortissants qui vivaient depuis des années aux Bahamas, qui ont eu des permis de travail, suite à cette mesure, vous leur demandez de retourner en Haïti pour aller à l'Ambassade des Bahamas pour appliquer pour un permis de travail. On aurait cru que cela allait être en ce qui a trait à ceux qui sont à peine arrivés, mais pas ceux qui vivent dans le pays depuis un bon nombre d'années.

Il convient toutefois de souligner que ces mesures posent beaucoup de problèmes dans leur application. En plus des dépenses pour le voyage, ils courent le risque de perdre leur emploi dans le cas où le traitement du dossier prend du temps. Il serait plus juste que seules les personnes qui appliquent pour la première fois soient astreintes à se présenter à l'Ambassade des Bahamas en Haïti.

En outre, cette mesure comporte un caractère discriminatoire à l'égard des Haïtiens vu que le seul groupe de migrants qui est ciblé dans ces dispositions. Et si vous me permettez, Monsieur le ministre, respectueusement, et lors d'une intervention que vous avez faite au Parlement bahamien, vous avez clairement précisé que les personnes sans papiers aux Bahamas qui sont de la République d'Haïti.

Dans le cadre des enfants nés aux Bahamas, il faudrait que la décision de leur donner un permis de séjour soit applicable à tous, non pas seulement ceux dont les parents ont un statut légal. Un enfant qui est né aux Bahamas n'a jamais laissé le pays, ne saurait être considéré comme un illégal. D'autant que la Constitution bahamienne lui donne le droit d'appliquer pour la citoyenneté bahamienne quand il atteint l'âge de dix-huit (18) ans.

Si cet enfant doit laisser les Bahamas avec ses parents, pour retourner aux Bahamas quand il aura atteint l'âge de dix-huit (18) ans pour solliciter la citoyenneté bahamienne si cet enfant le souhaite, ce que nous proposons, cet enfant doit avoir quelque chose, un acte juridique ou un acte légal pour prouver qu'il est né aux Bahamas, maintenant il est venu réclamer sa nationalité, sa citoyenneté, si toutefois il le souhaite à l'âge de dix-huit (18) ans. Mais quand vous demandez à un enfant de partir avec ses parents et vous ne lui donnez rien, mais comment dix-sept (17) ans ou seize (16) ans ou quinze (15) ans après, comment il viendra aux Bahamas pour faire demande pour cette nationalité quand il n'a rien comme document légal.

Certainement nous comprenons que on ne peut pas déporter des parents laissant derrière leurs enfants, certes cela aurait été mieux pour que ces enfants soient avec ses parents mais tout simplement ce que nous demandons, nous croyons qu'il serait juste si ces enfants sont nés sur le territoire bahamien, ils doivent avoir quelque chose pour prouver dix-huit ans, quinze ans, seize ans après quand ils souhaitent, s'ils le souhaitent, réclamer la nationalité bahamienne, ils doivent avoir quelque chose pour prouver. Nous pensons que ça aurait été une décision juste.

Il y a un autre point que je voulais ajouter. Le Département de l'immigration n'a pas attendu la date du 1<sup>er</sup> novembre pour appliquer ces mesures. Le Département de l'immigration refuse déjà de recevoir les applications pour le permis de travail. Les personnes qui s'y présentent pour les certificats d'identité de leurs enfants mineurs sont avisées de se rendre à l'Ambassade pour obtenir un passeport haïtien sans aucune garantie d'obtenir le permis de résidence.

En ce qui a trait au passeport haïtien, nous avons compris et je crois que mon ministre des affaires étrangères a eu un entretien avec le ministre des affaires étrangères des Bahamas ici présent. Nous avons cru que nous devons diminuer le nombre de temps pour l'émission des passeports. Certes nous savons qu'il y a des citoyens qui vivent en territoire bahamien qui n'ont pas de passeport ou d'identité, nous sommes en train de prendre des mesures en vue de leur faciliter la tâche d'obtenir ces passeports

Mais quand il s'agit, encore une fois, de ces enfants qui sont nés là-bas, quand le Département de l'immigration exige qu'ils doivent avoir un passeport haïtien d'abord pour avoir un certificat de naissance aux Bahamas, cela va quand même créer des problèmes, parce que une fois que vous lui demandez d'obtenir un passeport haïtien, cela va sans dire, une fois qu'il ait ce passeport haïtien à dix-huit ans quand il souhaite revenir, je suis sûr que l'on ne va pas lui demander le certificat d'identité, cela veut dire qu'il a été envoyé aux calendes grecques, de ne plus avoir la nationalité bahamienne s'il le souhaite.

L'autre point que je voulais faire encore une fois comme je l'avais fait hier avec vous Monsieur le ministre, c'est les préoccupations de mon Gouvernement à ce qui a trait aux violences verbales que subissent les citoyens ou les ressortissants haïtiens en territoire bahamien. Comme vous le savez, il y a beaucoup de ressortissants haïtiens qui sont sur le territoire bahamien mais qui sont des citoyens qui vivent en situation régulière depuis des années, qui sont des investisseurs sur le territoire bahamien, qui contribuent non seulement dans l'économie bahamienne mais qui contribuent à tous les niveaux de la société bahamienne.

Le fait d'avoir cette situation maintenant, ils sont tous victimes de violence verbale, ils sont tous victimes de certains traitements, je dirais, discriminatoires du fait qu'ils sont ressortissants haïtiens en dépit du fait qu'ils ont la nationalité bahamienne. Et très souvent il y a des bahamiens qui sont arrêtés par confusion pour un citoyen haïtien. C'est pourquoi, je crois que comme je vous l'avais dit hier, il est extrêmement important pour que, peut-être de concert avec nous autres de Gouvernement haïtien, si c'est possible, mais je crois qu'il serait bien conseillé à votre Gouvernement d'avoir cette politique d'information et pour bon nombre de citoyens de votre pays probablement qui très souvent, je ne dirais pas qu'ils soient de mauvaise, mais peut être un manque d'information pourrait provoquer ce genre de choses regrettables et quand je me réfère à certains articles que j'ai lus dans des quotidiens bahamiens ou des clips de vidéos que j'ai vus sur internet, les propos, les déclarations faites par certains ressortissants de ce pays qui sont inflammatoires et qui pourraient causer pas mal de problèmes aux gens qui vivent de manière régulière dans le pays.

C'est pourquoi, comme je l'avais suggéré hier à Votre Excellence, il serait extrêmement intéressant et important pour que des mesures soient prises en ce sens en vue de, je ne dirais pas d'éduquer, mais d'informer les gens. Certes, le Gouvernement bahamien est en train de prendre des mesures pour contrôler son territoire. Certes, le Gouvernement bahamien est en train de prendre des dispositions en ce qui a trait à sa politique migratoire, mais le Gouvernement bahamien a des obligations de respecter la dignité humaine, les droits humains et aussi le respect des autres. On peut appliquer une politique sans toutefois nuire aux droits qui sont inaliénables d'un être humain.

Nous croyons en ce sens que cette politique, en ce qui a trait à sa mise en œuvre, nous avons notre part de responsabilité entre le Gouvernement haïtien comme nous l'avons déjà pris et nous sommes en train de prendre des dispositions notamment à cet article que vous avez fait référence à quelqu'un du côté de l'Ile de la Tortue.

L'Ile de la Tortue est une île qui se situe au nord d'Haïti qui est pas trop loin des îles des Bahamas. Des gens qui font des déclarations, qui disent qu'il y a pas mal de bateaux qui sont en construction pour aller en territoire bahamien.

Mais quand le Ministère de la justice a dépêché une équipe de la Police nationale pour enquêter, en aucun endroit de la zone on n'a pu remarquer aucune construction de bateaux en cours, c'est-à-dire quand les gens veulent faire des déclarations ils peuvent dire n'importe quoi, mais je vous assure que jusqu'à date il n'y a aucune construction de bateaux dans cette zone.

Et pour finir, Monsieur le Ministre, encore une fois je tiens à vous remercier pour avoir porté cette question devant le Conseil permanent et en vue d'apporter certaines clarifications, et cela nous permet et nous donne aussi l'opportunité de faire ou du moins d'apporter certaines précisions. Mais il y a quand même une seule chose que je voudrais mettre en phase. En dépit de tout ce qui nous divise, il y a toujours quelque chose qui doit nous unir.

Et cette union nous ne pouvons pas la trouver sans un processus de dialogue franc, sincère et mon Gouvernement réitère encore une fois sa volonté de s'asseoir ou de continuer à discuter avec le Gouvernement des Bahamas en vue d'identifier et de travailler d'un commun accord pour trouver des solutions car nous croyons qu'il faut qu'il y ait la participation du Gouvernement haïtien.

Nous y sommes prêts à contribuer, mais nous demandons aussi du Gouvernement des Bahamas de nous aider à, au moins, diminuer cette tentative de xénophobie qui n'est pas digne de cette nation sœur des Bahamas. Je veux y croire que votre Gouvernement va s'engager en vue d'éviter ce genre de choses car pour la réputation même, comme vous l'avez bien dit, de votre pays comme un paradis. Dans un paradis on ne peut pas parler de xénophobie.

Alors, moi, en ma qualité de Représentant du Gouvernement haïtien, je réitère encore une fois notre volonté de nous asseoir avec vous pour trouver des solutions et tout ce qui est nécessaire pour le faire, nous allons le faire, mais au-delà de tout faisons de notre mieux pour garder cette unité caribéenne. Nous ne voulons pas cette division, nous voulons que nous soyons des nations sœurs, des États, même petits, dans la zone Caraïbes qui veulent vivre en paix avec leurs voisins en dépit de nos difficultés, nous voulons être une nation respectueuse des décisions des autres, mais surtout essayons ensemble d'éviter à ce que ces problèmes nous divisent, mais de préférence nous voulons cette unité qui doit nous renforcer.

Encore une fois, je vous remercie Monsieur le Ministre pour votre présence et je veux y croire qu'en aucun moment je n'ai pas été respectueux. Si toutefois je l'ai été, mes excuses. Merci.

El PRESIDENTE: Thank you very much, Ambassador Edmond. I am pleased to give the floor to Ambassador Vasciannie of Jamaica.

El REPRESENTANTE PERMANENTE DE JAMAICA: Thank you, Mr. Chairman.

Jamaica takes the floor to express our gratitude to the Honorable Frederick Mitchell, Minister of Foreign Affairs and Immigration of The Bahamas, for his presentation on aspects of the immigration situation in The Bahamas. Recent developments there have implications for a number of Caribbean Community (CARICOM) nationals, and so we have sought to monitor those implications carefully. In fact, the Permanent Secretary in Jamaica's Ministry of Foreign Affairs and Foreign Trade recently visited The Bahamas to obtain firsthand information about the developments. Against this background, Minister Mitchell's presentation offers us further clarification of the situation. For this, we are grateful.

Issues concerning immigration policy fall largely within the reserved domain of the territorial state. As a manifestation of national sovereignty, all states retain the right to determine who may enter their territory and remain as migrants. Similarly, each state has latitude on the international law to determine the criteria for citizenship within its domestic jurisdiction. Nationality is essentially a question of internal law.

However, the sovereign right of the state to determine its immigration policy and its rules concerning nationality is subject, in some circumstances, to international human rights considerations. Also, the immigration policy of a given state may be a matter of political interest to other states, not least because immigration policy has implications beyond the borders of the destination state and may be the subject of binding treaty obligations.

Largely for these reasons, it is appropriate for the Organization of American States to pay attention to the current situation in The Bahamas. We also note that questions relating to immigration policy touch and concern all four pillars of the Organization of American States, for in addition to human rights concerns, immigration policy may prompt issues related to security, development, and democracy in the destination state and elsewhere.

On human rights in particular, Jamaica notes that The Bahamas is willing to enter into dialogue with other states, that The Bahamas is mindful of the need to meet international standards for the treatment of undocumented persons in detention, and that the Government of The Bahamas acknowledges the importance of the principle of family unity. We also note that The Bahamas has invited international human rights groups, including the Inter-American Commission on Human Rights (IACHR), to visit the country, and we believe it is good that children will now be housed in a separate facility in The Bahamas.

Therefore, Mr. Chairman, Jamaica is heartened that the Minister of Foreign Affairs and Immigration of The Bahamas has offered his presentation today. It has certainly helped to place the situation concerning Bahamian immigration law in its proper context and has allowed us to bring a more informed perspective to the country's legislative and enforcement actions pertaining to foreign nationals. We are also heartened by the Minister's willingness to come here in the spirit of inter-American cooperation, openness, and transparency.

In closing, we note the Minister's wider comments on migration, including the question of the brain drain. These comments raise a variety of far-reaching issues for the OAS, and I urge that we give them the serious consideration they deserve.

Thank you, Mr. Chair.

El PRESIDENTE: Thank you, Ambassador Vasciannie. I am pleased to give the floor to Ambassador Sonia Johnny of Saint Lucia.

La REPRESENTANTE PERMANENTE DE SANTA LUCÍA: Thank you, Mr. Chairman.

Mr. Chairman, let me welcome Minister Mitchell to the House of the Americas. Minister, this is a house where we meet regularly to discuss issues that plague the region and that we think we can resolve. I'm happy to report that we have resolved many contentious issues in this house, particularly those among our member states. So let me thank you, Mr. Minister, for bringing this issue of immigration and the enforcement of the immigration policies of your country to this house, and for clarifying a number of issues that seem to have kept the media of the region preoccupied for the past few weeks.

We are very happy, Mr. Minister, to hear from you that in coming up with your policy, you consulted with many stakeholders within your country, and the policy is a result of these discussions with your stakeholders. You have made it quite clear that your government takes very seriously its commitment to inclusiveness.

We are also pleased, Mr. Minister, to hear of your open invitation to the Organization of American States, in particular to the Inter-American Commission on Human Rights (IACHR), to conduct a fact-finding mission. We hope that that will put to rest a number of the allegations and criticisms that seem to dog the issue of the enforcement of immigration policies in your country. For

Saint Lucia, this demonstrates the openness and transparency for which members of Caribbean Community (CARICOM) are known.

As you know, Mr. Minister, when one member of CARICOM is affected by allegations that can easily be refuted, all of us are affected. So, we firmly applaud you for taking measures to ensure that in enforcing your immigration policies, rights are not violated and the principle of family unity is respected within the framework of your law.

We are doubly pleased to hear that you have been consulting with the Government of Haiti and that you have made some inroads in your dialogue. However, there is still some concern, which has been eloquently and comprehensively expressed by the Representative of Haiti and which I hope will be taken into consideration by the Government of The Bahamas in enforcing its policy.

Mr. Minister, your invitation to the OAS and to the IACHR is very timely, and we hope that it will be accepted so that we, too, will hear from other groups. You have presented your Government's position. We would also like to hear the position of a fact-finding mission and of other groups. That would allow us to make informed decisions on a number of these issues that seem to be plaguing OAS member states. Thank you.

El PRESIDENTE: Thank you very much, Ambassador Johnny.

#### COMENTARIOS DEL MINISTRO DE RELACIONES EXTERIORES E INMIGRACIÓN DE LAS BAHAMAS

El PRESIDENTE: There being no other requests for the floor, I am pleased to invite Minister Mitchell to take the floor again, in the event that he wishes to make any further comments. You have the floor, Minister.

El MINISTRO DE RELACIONES EXTERIORES Y INMIGRACIÓN DE LAS BAHAMAS: Thank you, Mr. Chairman, and I want to thank all who have responded to my statement: the distinguished permanent representatives of Haiti, Jamaica, and Saint Lucia.

I would, Mr. Chairman, like to make a couple of observations, largely arising out of the comments of the Permanent Representative of Haiti. One of the things I'd like to say is that citizenship and immigration laws are quite complex and therefore not easily explained or understood. It's my responsibility, in the other half of my job, to administer these laws, and sometimes it is difficult to explain to someone who doesn't have to work with this every day.

I'd like to start with the question of the deportation of minors. There was a video that started much of this misinformation about minors being deported. The minors who appeared in that video were not deported from The Bahamas. They were taken into protective custody for a couple of hours—for two of them, I think it was a couple of hours—and then paroled out to a responsible adult. Within 24 hours, the other five children were also paroled out to a responsible adult. Those children weren't deported from The Bahamas.

In The Bahamas, it's not a case of masses of minors coming unaccompanied to The Bahamas. The children who were deported from The Bahamas a couple of weeks ago—and I think there is also a repatriation this morning—came with their parents on boats as recently as a month ago. They were housed with their parents. Parents often, of course, object to children being separated from them, and

in every case, the Department of Social Services has superintendents over the care and conduct of the children, and the children are kept with their parents. So, these children were not born in The Bahamas and have no constitutional entitlement to apply. They came with their parents a couple of weeks ago, or as recently as October, to The Bahamas.

Children born in The Bahamas all receive a birth certificate at birth. Our law requires, regardless of nationality, that within 21 days of birth, you are to be registered as having been born in The Bahamas. Many people don't comply with that law. If you can't produce a birth certificate, the substitute is often an affidavit of birth, which is supported by a search at the Princess Margaret Hospital or Rand Memorial Hospital, where most people are born, and that suffices for evidence of your birth in The Bahamas. I think that is probably the practice throughout the Caribbean Community (CARICOM) region when there is an absence of a birth certificate. So, that is not proven to be a bar for people to prove that they were born in The Bahamas.

As a matter of law, holding the passport of your nationality does not prejudice in any way your right to apply for citizenship at the time of your 18th birthday and before your 19th birthday, and it is not a requirement of the law for someone to have a passport in order to get a birth certificate.

In my own country, when I talk about this, I take the example of Haitian nationals out of the equation and I give the example of an American couple who has a child in The Bahamas. As soon as the child is born, they would go to the U.S. embassy and get a passport for that child; then go to the Department of Immigration and get a residency stamp to show that they, the parents, are lawful residents of The Bahamas; and they get a residency certificate for the child. That's all this regulation is saying. I don't think that there's anything unusual about that.

The difficulty is that, amongst a certain group, the practice has been not to do so because of their fear that it prejudices the children's right at their 18th birthday, which is untrue. The fact is that this policy that we're now implementing would put people in that class in a better position than they've ever been in because at the present point, they're in a no man's land. Many have lived in The Bahamas until their 18th birthday and have no documentation other than the certificate of identity, which gives them the right to do nothing in the country, so they can't open a bank account, can't get a driver's license, and often can't get into tertiary-level institutions. So, this should resolve that problem.

The question on the other end is whether the source countries are able to produce the passport, which would then facilitate the grant of the residency permit. We've spoken to the stakeholders, Haitian leaders have spoken to authorities as high as the Prime Minister about this issue, and all of the issues you raised here today are being worked on or have been resolved.

Let me speak for a moment about the question of prejudice and discrimination and what was said in the press and social media. Part of the reason we are here today is because of the misinformation that was spun, either in the press or in social media. The Government of The Bahamas is not responsible for what is said in the press, although it may, in fact, reflect public opinion in some quarters. But I think every Bahamian understands the nature of prejudice, bigotry, and discrimination, and the Government certainly does not sanction any of those things. I want to separate myself from any effort that suggests that one ought to discriminate against any national group. This is a generic policy, not expressed in terms of any national group.

Our Prime Minister often recounts that the first elected black Member of Parliament in The Bahamas was a man named Stephen Dillet, who was born in Haiti and who turned out to be the

grandfather of James Weldon Johnson. He came to The Bahamas as a child with his mother after the Revolution. The mother of Sir Arthur Foulkes, our recently retired Governor-General, was Haitian. So Haitians and people of Haitian descent are integrated into The Bahamas, and my view is that what you say you're seeing expressed in the press does not represent the majority view in our country.

What is of concern to our small country is the question: can you continue to absorb hundreds and thousands of illegal migrants, arriving undocumented in the country, knowing your obligations in the international arena, for the security of your borders and the future identity and safety of your own state? That is simply unsustainable.

So, we have an obligation, both internationally and within our own domestic borders and to our own population to ensure, not that migration stops but that those who come to The Bahamas are properly documented to be in The Bahamas and come through the front door and not through the back door. That is all that this policy is aimed at correcting.

I reiterate my thanks to you for all the useful comments that have been made. I have indicated that November 1 is a commencement date, not a closing date or a final date. It is the beginning of an era of enforcement of a new set of administrative measures, and the Department of Immigration is sufficiently sensitive on particular matters.

The representatives in The Bahamas of Jamaica—Honorary Consul Pat Hanlan, a very good friend—and Haiti—Ambassador Rodrigue, who served here at the OAS—have open access to the Department of Immigration and the very highest levels of our government. The cooperation at official levels is good.

There are no concerns from our point of view, but it is important that all of us be committed to doing what we can to prevent irregular migration. It is dangerous. It should be stopped. There are larger issues that we have to face, such as the question of the economy. I raised that as an issue as well.

I think that covers the points. I hope that the dialogue this morning has been useful, and I would certainly be happy afterwards, or in the coming weeks and days, to respond to any further inquiries or concerns.

Thank you, Mr. Chair. I thank you all of you, and I wish you all the best for the season! Thank you.

El PRESIDENTE: Thank you very much, Minister Mitchell.

Distinguished colleagues, we have concluded the consideration of the timely and important item for which this special meeting has been convened. I propose that the Permanent Council take note of the statements and comments by our authorities and delegations, which will be recorded in the minutes of the meeting.

This being our final meeting for the year 2014, let me, on behalf of the permanent representatives, thank the staff of the Secretariat for their service during the year. On behalf of the Chair of the Permanent Council, Ambassador La Celia Prince, and the Vice Chair, Ambassador Niermala Badrising, and on my own behalf, let me extend best wishes to one and all for happy holidays and for a productive and prosperous 2015. Thank you.

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