

U.S. Statement
Organization of American States Permanent Council
Draft Resolution on the Draft Inter-American Convention Against Racism
May 27, 2010

The United States is able to support the language contained in operative paragraph 1 of the draft resolution on the Draft Inter-American Convention Against Racism referencing continuing efforts to conclude negotiations on the draft convention because it is drawn from consensus language that States agreed to in the Declaration of Commitment in the Fifth Summit of the Americas that recognizes the need to bring the protracted negotiations of this draft convention to an end.

As many of you know, as early as 2002, the Inter-American Juridical Committee, articulated serious concerns about the advisability of these negotiations. In its March 2002 report it concluded that "it is not advisable to undertake to negotiate and conclude a general convention to prevent, sanction and eradicate racism and all forms of discrimination and intolerance, insofar as it would be repetitive, producing overlapping that would lead to serious and inevitable problems of interpretation and generate doubts and confusion as to which were the obligations and rights of the Member-States parties to the former conventions and the new convention." The Committee also had the foresight to note that in light of the existing comprehensive regime to combat broad-ranging forms of racial discrimination under the Convention on the Elimination of All Forms of Racial Discrimination, "there is no justification for the enormous diplomatic effort nor for the complicated and usually lengthy negotiations required to conclude a new convention on this matter."

The long-standing position of the United States regarding the negotiations has been to oppose them on similar grounds. We made clear our objections to this draft convention from the start and have declined thereafter to participate in them. As you know, for many years, during the negotiations of previous OAS resolutions on this topic, the United States articulated its objections in the form of a footnote which underscored that there is no need for a new convention against racism in the hemisphere as there already is a robust global treaty regime on this topic, to which some 170 countries are State Parties and that a regional instrument is therefore not only unnecessary but it runs the risk of creating inconsistencies with this global regime. Our view, both in this context as well as in U.N. for a when similar exercises have been proposed, has and continues to be that the OAS and the Member States should focus on concrete measures to improve implementation of existing commitments. The continued persistence of acts of racial discrimination and related violence throughout the hemisphere is evidence of the reality that there continue to be serious gaps in implementation that need to be urgently addressed. The time and resources of the OAS and its member states would be better served engaging in practical efforts to improve implementation, including through the convening of meetings of experts from capital, the exchange of technical expertise and assistance, and other concrete steps. There is serious work to be done on norm implementation and it is unbalanced and not helpful to victims on the ground to have an almost exclusive focus on norm creation.

