

PERMANENT MISSION OF ANTIGUA & BARBUDA  
TO THE  
ORGANIZATION OF AMERICAN STATES  
WASHINGTON, D.C.



**PMAB/DPA:17B/2001**

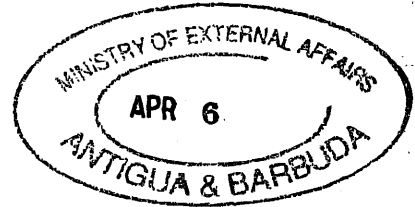
The Permanent Mission of Antigua and Barbuda presents its compliments to the OAS Secretariat for Legal Affairs and has the honor to refer to the questionnaire on the Draft Inter-American Convention Against Racism and All Forms of Discrimination and Intolerance - a current topic of discussion by member states of the OAS in the Committee on Political and Juridical Affairs.

The Permanent Mission has the further honor to inform the Secretariat for Legal Affairs that the Government of Antigua and Barbuda, through its Ministry of Justice and Legal Affairs, has forwarded its response to said questionnaire, and pursuant to the deadline established for responses from member states, is pleased to make the same available to the Secretariat.

The Permanent Mission of Antigua and Barbuda to the Organization of American States avails itself of this opportunity to renew to the OAS Secretariat for Legal Affairs the assurances of its highest consideration.

April 10, 2001  
Washington, D.C.





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# MINUTE:

**FROM:** Crown Counsel, Ministry of Justice & Legal Affairs  
**TO:** Permanent Secretary, Ministry of Foreign Affairs  
**DATE:** 3<sup>rd</sup> April, 2001  
**REF:** AG 20/88

**RE: Questionnaire, Draft Inter-American Convention  
Against Racism and All Forms of Discrimination and Intolerance**

I have been instructed by the Solicitor General to respond and forward the following to you.

Antigua and Barbuda, according to the Treaty Register of the Ministry of Foreign Affairs, ratified the International Convention on Elimination of All Forms of Discrimination on 25<sup>th</sup> October, 1988. In brief, to propose another convention in respect of punishment, prevention and eradication of discrimination (including racial) and intolerance 'intended to send a clear political signal' as expressly stated, may be duplicitous in the circumstances.

The present International Convention resolved to adopt "all necessary measures for speedily eliminating racial discrimination *in all its forms and manifestations*" even within the same State; and defines 'racial discrimination' to mean any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

Given the example of human rights instruments, it may not be necessary to have another treatise virtually subscribing or covering the same issues, existing simultaneously with the International Convention. Under those circumstances, perhaps the main concern would be whether to proceed under either document. If it is a difference in penalties or subjects covered, then this could be effected by amendments via later Protocols. Another concern under the proposed draft would be any possible prohibitive financial implications for the country. Further, the OAS proposes to include reference to minority rights, health care, education and migratory status - matters which are already covered within the broad meaning under the International Convention and, for some areas, by actual legislation and the Constitution.

The UN Convention appears to adequately cover the area. If it is that Antigua and Barbuda is minded to be more involved or opt, from a legal point of view, for a more regional machinery or for perhaps speedier settlement of issues, then pursuing the establishment of an

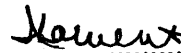
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Inter-American Convention may be the preferred course. However, this does not appear to be imperative, based on the submitted documentation. This is so, given the absence of any actual text, peculiar advantages or specific concerns as envisaged or outlined by the Permanent Mission.

As such, Question 1, without more, could be answered in the negative.

The above is forwarded as a matter of legal principle and implications, and not from a policy point of view.

Yours faithfully,



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J. Laurent (Ms.)  
Crown Counsel