



United States Department of State

*United States Permanent Mission to the
Organization of American States*

Washington, D.C. 20520

February 13, 2001

Her Excellency
Ambassador Margarita Escobar
Chairman, Committee on Political
and Juridical Affairs
Permanent Council of the OAS

VIA FACSIMILE: 458-3929

Excellency:

I have the honor to transmit the response of the Government of the United States to the questionnaire regarding AG/RES. 1712, "Preparation of a Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance."

Sincerely,

A handwritten signature in cursive script that reads "Thomas A. Shannon".

Thomas A. Shannon
Ambassador and
Deputy Permanent Representative

United States Response to Questionnaire on Preparation of a Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance

(CP/CAJP-1687/00 rev. 2)

Q: Does your government believe that the situation in the countries of the Hemisphere calls for the preparation of an inter-American convention to prevent, punish, and eradicate racism, racial discrimination, and intolerance?

A: No. States of the Hemisphere should focus on signing and ratifying existing instruments and on the effective implementation of obligations they have accepted under these instruments. The OAS and the inter-American human rights system should assist States in these endeavors where appropriate.

For instance, the few OAS member states that have not done so should be encouraged to ratify and implement the International Convention on the Elimination of Racial Discrimination (CERD). The Convention obligates States parties to adopt national legislation that prevents and punishes unlawful acts of racism and racial discrimination, as well as to take measures with regard to teaching, education, culture and information which have the ultimate goal of eradicating racism. States parties also must submit periodic reports on their compliance with the CERD for review by the Committee on the Elimination of Racial Discrimination. In addition, the CERD creates State-State and individual-State review mechanisms for alleged violations of the Convention.

OAS member states also participate in various forums of the United Nations that regularly address issues of racism, racial discrimination and intolerance. The UN General Assembly and the UN Commission on Human Rights debate and adopt yearly resolutions on the topic. There is also a UN Special Rapporteur who investigates and prepares detailed reports on problems related to contemporary forms of racism, racial discrimination, xenophobia and related forms of intolerance. Finally, the UN is hosting a World Conference Against Racism later this year, the preparations for which have included the active participation of most countries in the hemisphere.

It is not clear to the United States how a separate inter-American instrument would add value to these international efforts. The CERD is an effective instrument with follow-up mechanisms to monitor implementation by the States parties. The UN also serves as a vibrant forum for debate on the range of topics related to combating racism, and the UN Special Rapporteur identifies specific problem areas. States of the hemisphere have been active in these UN processes, and the OAS should encourage the region to focus its energy and resources toward strengthening this involvement.