

REMARKS OF THE SECRETARY GENERAL OF THE ORGANIZATION OF AMERICAN STATES AT THE SEMINAR ON THE INTER-AMERICAN SYSTEM FOR THE PROTECTION AND PROMOTION OF HUMAN RIGHTS

Washington D.C. December 2, 1996

Thank you for inviting me to say a few words here today. This seminar is a unique and timely endeavor. The 1994 Presidential Summit process set in motion a framework within which to find answers for the critical questions that we face as a hemisphere. At that time, the Organization of American States (OAS) was invited to actively tackle a number of those issues. Today, it continues to deliver on that commitment. This subject is, like few others, of direct relevance to and responsibility of the OAS and it falls to us to ensure that violations of human rights in the Americas are met with an effective and prompt response.

Of the constellation of OAS activities, initiatives and programs that have made a lasting, historic impression on the hemisphere, is the indomitable fight against despotic and authoritarian governments that used any means at their disposal to eliminate adversaries and dissidents, and to give chase to its opponents. Both the Court and the Commission defied the arbitrariness of dictators to which we in the Americas have sometimes too easily accommodated, sacrificing democracies in the name of the cold war and its strategic exigencies. The system's achievements are undeniable. And I know that those of you in this room have a particularly keen appreciation for those achievements.

It is with particular enthusiasm, then, that we celebrate this year a renewed commitment to see that our regional human rights enforcement scheme, composed of the Inter-American Human Rights Commission and the Inter-American Court of Human Rights, is the best that it can be as we approach the new millennium. The Permanent Council's evaluation of the protection mechanism is already underway and will be enriched in an invaluable way by your work in the next few days. Today, the Commission itself assembles from this hemisphere and beyond a group of eminent experts to deliberate about the function, course and bearing of that

protection system.

The OAS Secretariat has attempted to do its part as well. We have prepared a paper that sets out a series of suggestions and recommendations that, both in the immediate term and in the longer term, we believe might help to frame some of the problems that our system faces and even hint at some of their solutions. Although the paper suggests some courses of action regarding a handful of issues, it is very much intended as a catalyst; to spark debate and broaden the discussion to consider solutions that may lie far beyond the confines of the present system.

The paper suggests changes in the handling of cases, including: reinforcing and clarifying admissibility and reviewing standards of the regional bodies, creating a more fluid relationship between the Court and Commission, and recasting the role of the Commission in cases before the Court. As the OAS Permanent Council has recognized by focussing its work on these issues, the problems that afflict our case system are the friction that, over time, will wear down our human rights mechanism. We cannot let it get to that stage.

Beyond cases, a central premise of the structural changes we propose is the need to reconnect the regional and the national spheres. We suggest the creation of special operational linkages with domestic judiciaries, fiscalias and ombudsman offices. We also recommend a series of measures to generate new interest in the system, especially from constituencies within national, domestic systems. Stronger ties between the OAS's political organs and the human rights apparatus also should be actively encouraged.

Beyond its structure, the administration and management of the current system is in need of realignment in order to respond to today's needs. Lengthening the Court's and the Commission's sessions is imperative. The Commission and its Secretariat are today greatly pressed to fulfill even the case-work dimension of its responsibilities, while the added demand for human rights promotion and assistance to member states is greater than ever as states consolidate a democratic order. The paper proposes measures to meet that growing need, but I encourage the assembled group to explore this further.

Although the measures mentioned so far would not require changes to the system's constitutive document and could therefore be implemented immediately, the paper also asks that we look beyond the margins of the American Convention on Human Rights, and consider whether more systematic and fundamental revisions are necessary as we approach the year 2000. We should not lose this opportunity to examine and debate fully the feasibility of radically different human rights monitoring and promotional models for our region.

I will not attempt further to summarize the paper here, but I would like to highlight three pivotal dilemmas which I believe might help us frame the human rights problematique before us:

First, although we always place the fight against human rights abuse at the top of our hemispheric agenda, the system is chronically starved for funding.

Second, the front-lines of human rights enforcement are moving increasingly into the domestic arena, and we need to recalibrate our regional machinery to take account of it.

Third, we possess a system that is not subscribed to by all its Member States. It is no longer sufficient to urge the Member States to become parties to the American Convention. We need to face directly the reasons we still have not yet achieved universal accession to this system and consider a bold set of solutions to achieve it.

As we gear up to strengthen the protection and promotion mechanism, we need to remember that in this effort we also face a conceptual impasse. The strengthening process should be unbounded. If we set a limit, such as the unamendability of the American Convention, we will come up short. But that is not a reason to minimize our efforts to continuously strive for a better, more responsive, more current system.

Also, the fact that our system is as developed as it is will make this a more methodical and systematic process than if we were starting from ground zero building for the first time a mechanism –and even a culture of– enforcement of human rights. Vaclav Havel, in a situation much different from ours, marvelled at his countrymen's instinctive ability to face a system that was, in fact, starting from ground zero, asking:

Where did young people who never knew another system get their longing for truth, their love of free thought, their political imagination, their civic courage, and their civic prudence? How did their parents –precisely the generation thought to be lost– join them? How is it possible that so many people immediately grasped what had to be done, without needing anyone else's advice or instructions?¹

As a counterpoint to Mr. Havel's young people, and though we are animated by no less noble a cause, I believe for our effort we have far less succor in instinct. In fact, we have assembled here today precisely to call on someone else's advice or instructions.

Most of you have worked very hard within our human rights system to give it the legitimacy and solid reputation it enjoys today. Some of you are concerned about what a 'strengthening' process may bring. That looking deep within our human rights system may take us backward instead of forward. To you I say this: an infant is at once fragile and resilient. We cannot care for that infant without a deep appreciation of both these qualities. Because it is fragile, we are prudent. But because it is resilient, we have the courage to face change. So too, secure in its

1. From Vaclav Havel's New Year's Address, January 1, 1990 days after his election as President of Czechoslovakia.

resilience, we should not fear –and indeed must encourage– the constant renewal of our human rights system. The system will only break if we allow it to become fatigued and brittle. This conference is a testament of the commitment of the hemispheric community not to let that happen.

Finally, I commend to you one special message which I believe must lie at the heart of the work you will do in the next few days, in your debates and deliberations and in your solutions. And this message is no less vital for the OAS member states in their evaluation process in the coming year and beyond:

The member states and you created this system to protect and promote the human rights of what the 1994 Summit action plan would later call our hemisphere's "least influential citizens." We created it because we had the courage to admit that, sometimes unwittingly, sometimes not, the machinery of the state can turn on its own citizens. This protection mechanism has in the past, and will continue in the future, to generate a long list of names –mothers, fathers, sons and daughters– names of individuals who sought recourse in it and whose cause the system has championed. It is for these individuals and all of our citizens that we work today.

Thank you and good luck in your work.