

43rd OAS General Assembly: sound judgment prevailed

By María Clara Galvis and Katya Salazar

The 43rd General Assembly of the Organization of American States (OAS) concluded on Thursday, June 6, in the city of Antigua, Guatemala. The annual meeting of the foreign ministers of all of the countries of the Americas (except for Cuba) was especially relevant this year for several reasons. First, the main theme of the Assembly was regional drug policy,¹ a thorny issue that involves significantly different and even conflicting positions among the OAS Member States. Additionally, this meeting would gauge the States' attitudes toward the reform of the Inter-American Human Rights System after two intense years of discussion, debates, proposals, reforms, and an Extraordinary General Assembly, held last March, which formally concluded the process of reflection on the Inter-American Commission on Human Rights (IACHR). It was also expected that the Assembly would discuss and pass a resolution to address the issue, although it was not known how; and, most importantly, three individuals would be elected at this Assembly to serve on the Inter-American Commission on Human Rights from 2014 to 2017.

The countries that nominated candidates to the IACHR were Colombia and Mexico (for reelection), Brazil, Ecuador, The United States, and Peru. Those States campaigned quite energetically to promote their candidates. In order to make the process more transparent, the OAS held a public forum last May at its headquarters with all of the candidates, who made presentations and answered questions from representatives of the States and civil society. Notably, the Foreign Minister of Ecuador took particularly proactive steps in this regard. According to information on the website of Ecuador's Foreign Ministry,² the Minister visited a good number of countries in the region during recent months to foster ongoing dialogue about the IACHR and the adoption of reforms to that body, and—we assume—also to promote his country's candidate for the Commission. Together with Bolivia, Ecuador had pushed for a second conference of States Party to the American Convention on Human Rights, which was held in Cochabamba last May 14.

Ecuador had invested considerable time, resources, and personnel, and arrived at the General Assembly confident of the election of its candidate and support for its initiatives. But that did not happen: the Ecuadorian candidate was not elected, nor was the draft resolution introduced by Ecuador passed.

With regard to the election of the IACHR Commissioners, an initial vote resulted in the election of the candidate from Mexico, José de Jesús Orozco (current President of the IACHR), with 22 votes, and the U.S. candidate, James Cavallaro, with 20 votes. This initial round also resulted in a tie between Colombian candidate (and current Commissioner) Rodrigo Escobar and Brazilian candidate Paulo Vannuchi, who received 18 votes each. The candidate nominated by Ecuador, Erick Roberts, received 17 votes, which was not enough for him to be elected. Peru's candidate, Javier de Belaunde, got 7 votes and was also eliminated. In the second round of voting to break the tie between Brazil and Colombia, the Brazilian was elected with 19 votes, while the Colombian was eliminated, having received 15.

The new composition of the IACHR to a certain extent reflects the current balance of power in the region: the candidates from the most powerful countries were elected. Mexico and the United States

¹ The exact theme of the meeting was: "For a Comprehensive Policy Against the World Drug Problem in the Americas"

² www.cancilleria.gob.ec

easily won the necessary votes for their candidates to be elected, while Brazil—which many of us thought to be a sure winner in this election—came in third place in a second round that kept all the attendees in suspense. Even in the second round, Brazil did not manage to exceed the number of votes garnered by Mexico and the United States.

It is our opinion that the Ecuadoran candidate's loss was a difficult setback for that country, considering that it had invested considerable time and resources in promoting him. The fact that he was not elected can also be understood as the rejection by an important group of states of Ecuador's insistence on continuing with the debate surrounding the reform of the IACHR. It bears remembering that in promoting his candidacy, Erik Roberts disseminated a list of ten proposals to be carried out in the event of his election³ that essentially coincide with his government's proposals to further its aim of reforming the IACHR.

In addition, the States' refusal to pass the resolution introduced by Ecuador, which was related to the reform of the IACHR, sends a clear message from the majority of the OAS Member States: the process to reform the Inter-American Commission that began two years ago has ended. They now expect to move on to the implementation phase of the reforms adopted by the IACHR, in response to the recommendations of the States, with the support and oversight of the different users of the inter-American system.

The Commission is already fully engaged in this process. Indeed, the *First Inter-American Conference on Human Rights and the Exchange of Best Practices on Friendly Settlements* was also held in Antigua on June 7 and 8, the two days following the General Assembly, and was attended by representatives of the States and civil society. This conference allowed for an interesting and productive discussion on how to improve the friendly settlement mechanism to resolve cases and petitions, which was one of the main recommendations of many of the States during the reflection process. This meeting is part of a broader IACHR strategy to facilitate the appropriate implementation of the reforms of its practices and its rules of procedure, and to make the system more accessible to its users.

The decisions made by the States in Antigua, Guatemala during this General Assembly sent a message: it is time to shift from reflection to the implementation of the reforms.

³ See: "Erik Roberts Garcés oficializa 10 propuestas programáticas para su candidatura a la CIDH" in the daily publication [ciudadano.gob.ec](http://www.elciudadano.gob.ec), the digital newspaper of the government of the citizen revolution, available at: http://www.elciudadano.gob.ec/index.php?option=com_content&view=article&id=42640%3Aerick-roberts-garces-oficializa-10-propuestas-programaticas-para-su-candidatura-a-la-cidh&catid=40%3AActualidad&Itemid=63