

Tenth Anniversary of the

Inter-American Democratic Charter

A Hemispheric Commitment to Democracy

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Building a Track Record of Promoting and Protecting Democracy

Democracy traveled a long distance, across sometimes treacherous terrain, before it took root and was recognized as the region's only legitimate political system. For the first time in human history, today "being democratic is a necessity." The path to democracy wound through difficult stretches of military dictatorships, authoritarian governments, internal armed conflicts characterized by high levels of political violence and systematic repression by the State, and interference by third countries in the internal affairs of others. The years of the return to democracy in South America coincided with the fall of the Berlin Wall, the end of the Cold War, and the democratization of Eastern Europe. Then came an end to the internal wars in Central America and peace processes that fostered the establishment of democratic systems. Almost simultaneously, Canada joined the Organization of American States, along with most of the Caribbean states that had remained outside it.

Nowadays, the only legitimate way to take power is through transparent, competitive, and periodic elections; other routes to power have been ruled out. This is no small achievement for a region that for years swung between authoritarian/military and democratic governments. In turn, that consolidation of electoral processes as the only legitimate path to power had major implications for the establishment of electoral institutions, expansion of the electoral roll, civil registries, and the development of political and civil citizenship, among other spin-offs. At the last OAS General Assembly, held in San Salvador in June 2011, all 34 Heads of State and Government attending it had been elected democratically, in elections whose results no one questioned. Furthermore,

Honduras, too, participated in that regional Assembly after regaining full membership of the Organization.

The road to democracy was paved by a number of protagonists committed to democratic values and principles. Their efforts were underpinned by regional synergies captured in resolution 1080, adopted at the OAS General Assembly session held in Santiago, Chile, in 1991, and the Protocol of Washington of 1992. For the first time ever, the states of the Americas reached agreement on defending their democracies and responding jointly to any threats to their continuity. This regional commitment to democracy deepened over the years, culminating in the unanimous adoption of the Inter-American Democratic Charter (IADC) on September 11, 2001, at a special session of the OAS General Assembly, held in Lima, Peru.

The Democratic Charter is a manifesto, a collective affirmation and recognition of representative democracy as the only legitimate form of government in the Americas. Leaving behind difficult decades of dictatorships and armed conflicts, a new process began of garnering consensus regarding the importance and value of democracy as a form of government, State, and society. The destabilizing moments that several incipient democracies endured initially, as they learned the ropes, ultimately served only to reinforce that consensus. The Inter-American Democratic Charter, enshrining as it does a collective commitment to maintain and strengthen democracy in the Americas, may be considered the high point of that regional consensus.

The Charter managed to crystallize a broad definition of democracy. It outlines a series of "essential elements of representative democracy" and core components of the exercise of democracy. By incorporating them, the Democratic Charter transcends the notion of electoral democracy, going beyond the democratic origins of power to include its democratic exercise as well. Democracy is not just about being elected democratically: it also means governing democratically.

In defining the essential elements of representative democracy and the core components of its exercise, the Inter-American Democratic Charter may be said to resemble a "program of the Democratic Republic." Like any political program, it includes an ideal to be reached and it maps out the general direction for member states to chart. This republican democracy paradigm, in turn, is crucial for establishing programmatic guidelines that

the Organization and each of the member states can use in selecting priorities and initiatives, projects, and actions to be carried out in order to consolidate and strengthen democracy.

Also built into the Democratic Charter is a collective mechanism for defending democracy in the region. Foreseeing moments of instability and political crises, the regulatory framework set forth in the Charter provides for diplomatic moves and joint action mechanisms for a collective response to threats to the democratic political institutional process and the legitimate exercise of power. Over the past 10 years, these tools have played a fundamental part in preventing the occurrence or exacerbation of destabilizing situations.

The tenth anniversary of the adoption of the IADC affords an excellent opportunity to reflect on ten years of experience implementing it and to assess its legacy so far. Generally speaking, we can say that ballots in the region are transparent, secret, and universal; major progress has been made in the defense and protection of human rights; the multilateral forum further developed by the Charter has been used to coordinate responses in the fight against corruption; and the Charter has been invoked on at least nine occasions in situations that affected or threatened the democratic political institutional process or a government's legitimate exercise of power. On seven of those occasions, preventive application of the IADC was effective. The OAS demonstrated its ability to respond to situations of tension or political-institutional crisis when member states requested its support.

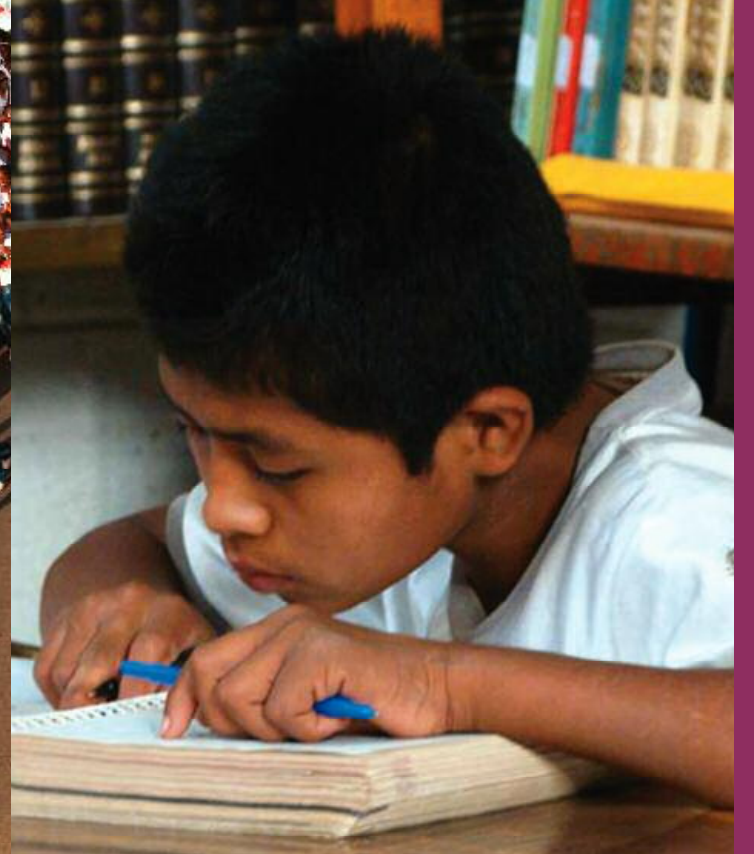
In the case of Honduras, President José Manuel Zelaya resorted to the OAS only 48 hours prior to the coup d'état that overthrew him. Had he called upon the Organization earlier, history might have been different. The OAS would have had more time and room for maneuver to prevent the chain of events that culminated in his removal.

It is worth pointing out, however, that, once the coup d'état in Honduras had occurred, the Inter-American Democratic Charter, and, in particular, Chapter IV of it, was promptly and fully activated. In so doing, the member states and the Organization as such established a fundamental precedent: attacking democracy in the region comes at a high diplomatic, political, and economic cost. The Charter establishes a set of standards and rules that have to be followed. Violating them, especially when that entails an unconstitutional alteration or interruption of the democratic order, does not go unpunished; rather it unleashes severe consequences for the violators. In that sense, implementation of the Democratic Charter is successful, inasmuch as it helps consolidate a democratic culture and democratic practices.

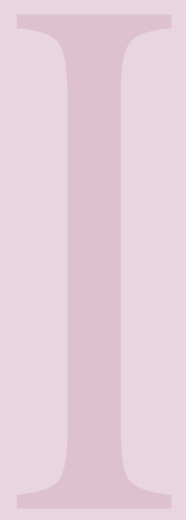


Keeping systematic track of the record of the Organization of American States in promoting and defending democracy is one of the principal purposes of this publication. In the pages that follow, we attempt to outline the various initiatives and actions undertaken by the Organization in the ten years in which the IADC has been in effect. This exercise may also be regarded as the Organization's rendering of accounts to the member states with respect to its interpretation and implementation of the Democratic Charter. Finally, based on experience to date and for the sake of that ideal of a democratic republic referred to earlier, this publication will make it possible to outline a roadmap regarding features and aspects that need to be strengthened by putting forward some proposals for enhancing the effectiveness of the IADC in its two main thrusts: as a collective program for promoting and consolidating democracy and as a collective mechanism for defending and protecting it.

—José Miguel Insulza
OAS Secretary General



Democracy and the Inter-American System



The member states included a broad and comprehensive definition of democracy in the Inter-American Democratic Charter, with a detailed specification of what it entails. After proclaiming in Article 1 that the peoples of the Americas have a right to democracy, the IACD establishes (Article 2) that the effective exercise of representative democracy is the basis for the rule of law and of constitutional regimes. It then goes on to state that representative democracy is strengthened and deepened by permanent, ethical, and responsible participation of the citizenry within a legal framework conforming to the respective constitutional order. Participation is specifically addressed in Article 6, where it is described as a necessary condition for the full and effective exercise of democracy. Article 3 lists

the essential elements of representative democracy: respect for human rights and fundamental freedoms; access to and the exercise of power in accordance with the rule of law; the holding of periodic, free, and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people, the pluralistic system of political parties and organizations, and the separation of powers and independence of the branches of government. In Article 4, the Inter-American Democratic Charter refers to the following as essential components of the exercise of democracy: transparency in government activities, probity, responsible public administration on the part of governments, respect for social rights, freedom of expression and of the press, and the subordination of all institutions and sectors of society to the legally constituted civilian authority and to the

rule of law. Article 5 regards the strengthening of political parties and other political organizations as a priority for democracy.

Thus, in the first Chapter of the Democratic Charter, the member states define the contents and scope of democracy. It is important to point out that the definition refers not just to the origins of a democracy; it also contains a set of essential elements of representative democracy and core components of how it is exercised. The Charter pinpoints a corpus of values, principles, and rights around which democratic institutions, relations between the State and citizens, and relations among citizens are structured. This set of ingredients make up what may be called the "republican" organization of government. For that reason, the IACD may be construed as "the program of the Democratic

Republic,” that is to say as an ideal to be striven for by pooling the efforts of the member states and of the Organization of American States. With that in mind, taking the IADC as a paradigm, this document takes stock, 10 years after its adoption, of what the Organization has done to implement the contents of the first chapter of the Charter. Specifically, the three core issues addressed are: transparency, probity, and responsible public administration on the part of governments; freedom of expression and of the press, and the strengthening of political parties and other political organizations, together with the importance of electoral campaigns and financing systems.

a. Transparency in government activities, probity, and responsible public administration on the part of governments (Article 4)

i. *Inter-American Convention against Corruption and the Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC)*

The **Inter-American Convention against Corruption**, adopted in Caracas, Venezuela, in March 1996, constitutes the first international legal instrument in this field to recognize the overarching international significance of corruption and the need to promote and facilitate cooperation among states in order to fight it.

The purposes of the Convention are to promote and strengthen the development of mechanisms needed to prevent, detect, punish, and eradicate corruption, and to promote, facilitate, and regulate cooperation

among states to ensure the effectiveness of measures and actions to prevent, detect, punish, and eradicate acts of corruption in the performance of public office.

The Convention establishes a set of preventive measures: it provides for legal definition of specific acts of corruption as crimes, including transnational bribery and illicit enrichment. It also contains a series of provisions for strengthening cooperation among States Parties in such areas as: mutual legal assistance and technical cooperation; tracing, freezing, confiscation, and forfeiture of assets obtained or derived from the commission of acts of corruption; and others.

Currently, 33 of the 34 active member states of the OAS have ratified the Convention.

The **Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESECIC)** is an intergovernmental instrument established within the OAS framework to support States Parties to the Convention in their efforts to implement its provisions.

The MESECIC came on stream in 2002, one year after adoption of the Inter-American Democratic Charter. It may be considered a key instrument for assisting member states in their efforts to promote and guarantee transparency in government activities, probity, and responsible public administration on the part of governments.

The MESECIC comprises: (a) the **Conference of States Parties**, which has the authority and overall responsibility for implementing the mechanism; (b) the **Committee of Experts**, which is responsible for technical analysis in implementing the Convention; and (c) the **Technical Secretariat**, which is operated by the OAS General Secretariat, through the Department of Legal Cooperation of the Secretariat for Legal Affairs.

During the Third Conference of the States Parties, held in Brasilia, Brazil, on December 9 and 10, 2010, three more states joined the mechanism, so that currently there 31 states in the region forming part of the MESICIC.

Monitoring of implementation of the Inter-American Convention against Corruption (MESICIC) is done through reciprocal evaluation processes among the States Parties. In each evaluation round, the Committee of Experts analyzes how states are implementing previously selected provisions of the Convention. Once the rounds have concluded, national reports are drawn up, containing concrete recommendations to the evaluated states, along with a Hemispheric Report. Civil society organizations take part in these analytical processes, providing useful information complementing that provided by the respective states.

By the time this publication went to print, three rounds of analysis had taken place at 19 regular meetings of the Committee of Experts. As of the fourth round of analysis, to begin in 2012, the process will include on site visits to the States Parties.

Further activities were also carried out in connection with the Mechanism: the **National Action Plans Project** (2005-2010), designed to help 17 participating states develop action plans for implementing the recommendations of the MESICIC; and two Conferences on the **Progress and Challenges in Hemispheric Cooperation against Corruption**, held in Lima, Peru (2010) and Cali, Colombia (2011).

ii. *Guide to Mechanisms for the Promotion of Transparency and Integrity in the Americas*

The **Guide to Mechanisms for the Promotion of Transparency and Integrity** was written in 2009 by the Department of Effective Public Management (DEPM) of the OAS Secretariat for Political Affairs. The Guide is a reference tool and a source of shared experiences and best practices in transparency, integrity, prevention and control of corruption, all of which are fundamental components of the exercise of democracy, as stipulated in Article 4 of the Inter-American Democratic Charter. It is aimed

at government officials, academics, and civil society organizations. Currently, it includes information on 13 Central and Southern American countries. Information on eight more South American and Caribbean countries is to be included by the end of 2011.

Based on this Guide, three on-line courses have been taught since 2009, on “Mechanisms and Strategies for Promoting Transparency and Integrity.” Participating in the courses were 56 people from different countries in the Americas. A set of indicators was also developed to elicit systematic information on the impact and scope of policies implemented with a view to promoting integrity and transparency in the Hemisphere. The issues addressed in the Guide also fostered the establishment of a network of specialists in different countries in the region that could lay the foundations for an observatory to monitor progress in these fields.

iii. *E-government Program*

The advent of information and communication technologies (ICTs), and their application and adaptation to improving and expediting government operations may be considered a turning point in terms of opportunities for governments to promote and broaden democracy among citizens. The introduction of e-government had a positive impact on one of the fundamental components of the exercise of democracy: the transparency of government activities, probity, and responsible public administration on the part of governments (Chapter 4 of the IADC). E-government is also a key tool for facilitating the dissemination of, and access to, information and for encouraging citizen participation in decision-making processes and in oversight of public administration. It also reinforces compliance with, and the exercise of, rights, values, and principles that the IADC establishes for the citizens of the Americas.

For the past 10 years, the Department of Effective Public Management, in pursuit of the objectives of the Democratic Charter, has striven to expand and strengthen e-government in Latin America and the Caribbean through two core programs: technical and horizontal cooperation, and the training and certification of government officials.



The Network of E-Government Leaders of Latin America and the Caribbean (RED GEALC) was founded in 2003 and the DEPM/SPA serves as the Network's Technical Secretariat. The idea is to promote horizontal cooperation among the countries of Latin America and the Caribbean and to facilitate exchanges of solutions and experts in this field. To that end, nine collaboration and exchange workshops were organized, with the participation of more than 80 senior officials from 32 countries. In 2007, ExcelGov awards were introduced to recognize the governments achieving most efficiency and transparency through the use of ICTs.

iv. *Access to Public Information*

Access to public information is a key tool for promoting accountability and transparency in state institutions. It plays a fundamental role in efforts to combat corruption and to facilitate participation and the effective exercise of citizens' rights. Various areas in the OAS work in this field, from different angles, including: the Special Rapporteurship for Freedom of Expression of the Inter-American Commission on Human Rights (see Chapter I, Section b. Freedom of Expression and of the Press); the Department of International Law; the Department of Effective Public Management, and Trust for the Americas (See Chapter I, Section b. Freedom of Expression and the Press)

In June 2009, the OAS General Assembly instructed the Department of International Law to prepare a draft **Model Law on Access to Information**. The DEPM participated in the drafting of the Model Law and of the Guide for its Implementation. Both instruments are being used by a growing number of OAS member states as a support and reference tool for the adoption, improvement, and implementation of their Access to Public Information legislation.

b. *Freedom of Expression and of the Press (Article 4)*

Article 4 of the IADC lists freedom of expression and of the press as one of the essential components of the exercise of democracy. Both freedoms are vital for ensuring informed citizen participation, the exercise of the other rights of citizens, the establishment of a plurality of opinions reflecting the diversity to be found in societies, and the possibility of exercising oversight of the performance of government authorities. Over the past 10 years, the **Special Rapporteurship for Freedom of Expression of the Inter-American Commission on Human Rights** has played a key part in promoting and defending freedom of expression and of the press and the right to access public information. Its recommendations and the legal stances taken by the Commission in this field have helped bring about structural changes via the adoption of legislative reforms and the implementation of public policies that have fostered guarantees for, and the observance and exercise of, these rights.

Also influential in promoting these freedoms is the **Trust for the Americas**, through its Journalism, Citizenship and Democracy Program and the Regional Alliance for Freedom of Expression.

i. *Special Rapporteurship for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR)*

The Office of the Special Rapporteur for Freedom of Expression (hereinafter, "Office of the Special Rapporteur") was created by the Inter-American Commission on Human Rights (IACHR) in October 1997, in order to promote and protect the right to freedom of expression in light of its fundamental importance for the existence of democratic societies and its contribution to the protection of all other rights.

Since its inception, the Office of the Special Rapporteur has participated in the development of inter-American freedom of expression standards, promoted their implementation within national systems, and strengthened the capacity of states and civil society organizations charged with defending and promoting the right to freedom of expression. The Special Rapporteurship monitors free speech developments throughout the 35 member states of the OAS, issuing statements, press releases, and alerts regarding urgent threats to freedom of expression, while producing an annual report on the state of freedom of expression in the countries of the Americas. At the same time, the Office participates actively in the system of individual petitions before the Inter-American Commission and Inter-American Court of Human Rights, identifying priority cases, providing specialized legal analysis to the Commission and Court, and helping to develop and consolidate clear international legal standards in the areas of freedom of expression and access to information.

The efforts of the Office of the Special Rapporteur—and of the inter-American human rights system more generally—have achieved concrete results in protecting the right to freedom of expression in the

Americas. Indeed, over the past decade, journalists and civil society advocates have successfully petitioned the Inter-American Commission and Court to strike down laws and judicial decisions that restricted free speech. Even more importantly, the states in question have largely demonstrated their commitment to upholding the right to freedom of expression by complying with the relevant judgments of the Inter-American Court and reforming their domestic legal regimes to reflect their commitments under inter-American human rights instruments. In the last decade, for example, Chile reformed its constitution to do away with prior censorship; countries such as Uruguay, Argentina, Mexico, and Panama decriminalized speech regarding matters of public interest; El Salvador passed a law recognizing the right to access to information, making it the 17th country in the Americas to do so; the Federal Supreme Court of Brazil struck down a dictatorship-era press law that resulted in censorship and imposed severe penalties for criminal defamation offenses; the Constitutional Court of Colombia issued a decision protecting the right to confidential sources; and the Supreme Court of Mexico struck down a vague criminal law that protected the honor and privacy of public officials.

Furthermore, in the last decade, great progress has been made in removing some—though not all—of the more nefarious speech prohibitions, such as *desacato* laws, from the criminal codes of Latin American countries. These are just a few of the many examples of progress that the Office of the Special Rapporteur has observed, particularly as a result of judicial decisions that apply inter-American standards on freedom of expression.

Without wishing to belittle this undeniable progress, it is important to remember that significant challenges to freedom of expression continue to exist in the Americas. The Office of the Special Rapporteur refers to these continuing challenges as its **“Hemispheric Agenda for the Defense of Freedom of Expression.”**

First, Latin America in particular has an alarming, lingering history of violence against journalists and impunity with regard to such crimes. Between 1995 and 2005, 157 journalists in 19 countries in the Americas were murdered for reasons possibly related to the practice of their profession. Convictions (of any kind) were handed down in only 32 of these 157 cases. Unfortunately, the violence continues. In 2010, 27 journalists were killed in Latin America, while in the first seven months of 2011 another 21 journalists have been killed in circumstances possibly related to the practice of their profession.

The second major challenge is the use of criminal law to silence dissent. In spite of the aforementioned progress in rolling back *desacato* laws, many countries in Latin America still use criminal laws to punish speech, silence dissident voices, and inhibit social protest.

The third challenge is censorship. While enormous progress has been made in eradicating direct prior censorship in the region, several forms of indirect censorship now pose a significant concern, including the arbitrary allocation of public resources; the arbitrary use of the mechanisms of regulation and oversight; and the creation of an environment of intimidation that inhibits dissident speech.

The fourth major challenge is to guarantee access to public information. In recent years, a number of countries have made significant progress in protecting the right to access to information. Still, significant challenges remain, as a number of countries still have not enacted access to information laws and the accompanying enforcement regimes, while in others laws exist but may fall short of inter-American standards or lack effective implementation mechanisms.

The final challenge to freedom of expression is the excessive concentration of media ownership and control, and the resulting lack of pluralism and diversity in the marketplace of ideas. This extreme



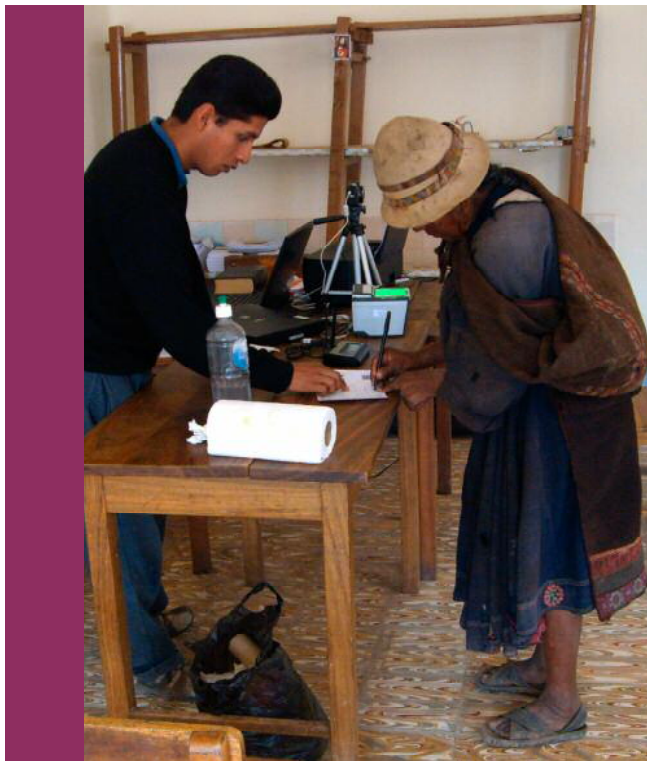
concentration of media ownership and control has caused enormous sectors of the population—including indigenous peoples, afro-descendants, women, and the poor, especially poor women—to be excluded from the communicative process. More recently, public media monopolies have emerged in some countries, raising similar concerns about a media environment that is insufficiently plural and diverse to guarantee the free exchange of ideas: a necessary condition for democracy to thrive.

The five major challenges discussed can only be met through the combined efforts of a variety of actors, including governments, the press, and civil society. The inter-American human rights system, and particularly its Office of the Special Rapporteur for Freedom of Expression, will continue to play an important role in the struggle to strengthen freedom of expression in the Americas, supporting the efforts of policymakers, press associations, non-governmental organizations and concerned citizens, while calling governments to account when they fall short of hemispheric free speech standards.

ii. *Trust for the Americas*

The **Journalism, Citizenship, and Democracy Program** promotes excellence in journalism by providing face-to-face and on-line training in: access to public information; strategic cooperation among civil society organizations, journalists, and the media; and promotion of human rights and democratic principles. Between 2005 and 2010, 210 training and technical assistance activities were carried out for some 7,340 participants.

In 2006, Trust for the Americas fostered the establishment of the **Regional Alliance for Freedom of Expression**. The Alliance is a collation of 22 civil society organizations from 14 countries in the Hemisphere. Its objective is to promote and defend freedom of expression and access to public information through the exchange of best practices and access to experts in that field. In recent years, the work of the Trust for the Americas, through the Alliance, has helped lead to the enactment of access to public information laws in Guatemala, Honduras, Nicaragua, and El Salvador.



c. Strengthening of Political Parties and Other Political Organizations. Election Campaigns and Systems for Financing Them (Article 5)

Construed as a manifesto recognizing, extolling, promoting, and protecting representative democracy, the Inter-American Democratic Charter devotes an article specifically to mention one of the key vehicles for that representation: political parties and other

political organizations. Through Article 5, the Charter advocates strengthening parties and other political organizations as a priority for democracy.

In a representative democracy, parties serve a number of key functions: they order citizens' electoral preferences; identify, aggregate, and channel citizens' demands and needs; they train leaders to occupy elective, political, and public offices, where they perform a vital role in drafting laws and public policies that affect the way a country is organized; its future; the way society, the economy, and the State operate; and the welfare of citizens.

Given the importance of political parties and other political organizations for the workings of representative democracy, in 2001, the OAS launched the **Inter-American Forum on Political Parties (IAFPP)**. The IAFPP (Spanish acronym: FIAPP) was established specifically to strengthen and modernize political parties, pursuant to the mandates in the Action Plans of the Summits of the Americas and in the Inter-American Democratic Charter. The principal spheres of action included: (1) promotion of political reforms; (2) coordination of technical advisory services; and (3) dialogue through annual meetings, regional training programs, and national forums. The IAFPP held four hemispheric meetings: in Miami (2001), Vancouver (2002), Cartagena de Indias (2003), and Brasilia (2003).

Article 5 of the Inter-American Democratic Charter also establishes that: "Special attention will be paid to the problems associated with the high cost of election campaigns and the establishment of a balanced and

transparent system for their financing." This Article reflects the growing concern about the influence of money on politics and, in particular, on democracy. Increased campaign costs mean that money exerts more influence over key aspects of the electoral process, while unequal socioeconomic structures and the concentration of public power cause asymmetries in electoral competition, due to the differences in the political parties' access to funding. Political-electoral contexts characterized by unequal access to (public and private) resources and the increasing power wielded by money in electoral processes have a harmful impact on democracy. First, they generate unequal conditions for those competing in elections, which directly affects participation possibilities and the extent to which the political system is representative. Second, they make political parties dependent upon (licit and illicit) sources of revenue, altering the principle that each vote is equal and conditioning the way parties act with respect to the selection of candidates and the contents of their agendas, as well as implementation of the legislative and government agenda.

In 2004, reacting to the identification of these issues, the OAS General Secretariat, through what was then known as the Unit for the Promotion of Democracy (UPD) and in conjunction with IDEA Internacional, conducted an initial comparative study of the major characteristics of financing systems for political parties and election campaign in 18 countries in Latin America. In 2005, two more studies were published on political financing: one on the Caribbean, and the other on Canada and the United States.

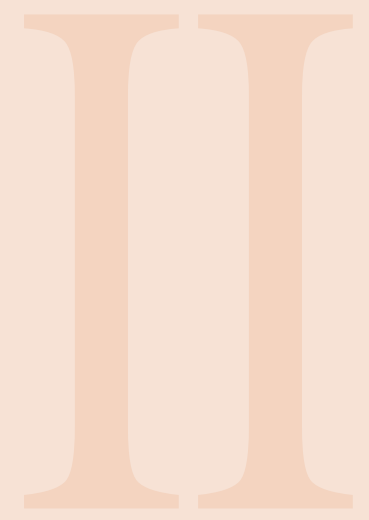
Based on the first study of political financing in the Caribbean and the reports of the OAS Electoral Observation Missions in that subregion, the Department of Electoral Cooperation and Observation (DECO), of the Secretariat for Political Affairs (SPA), identified the need to strengthen and reform the political campaign financing system. To achieve that, it encouraged a debate among members of parliament, electoral authorities, and civil society representatives to examine existing schemes and discern best practices. The main outcome of that debate was the drafting of **model legislation regulating financing for political parties and election campaigns**. This model legislation was presented by the General Secretariat and the Electoral Commission of Jamaica to political leaders of 12 of the 14 Caribbean countries in September 2010.

In 2011, DECO, again in conjunction with IDEA Internacional, published a book entitled: **Financiamiento de los Partidos Políticos en América Latina** [Political Party Funding in Latin America: An Overview]. By way of conclusion, it recommended two broad analytical approaches: first, identifying existing conditions for funding political activities and election campaigns in Latin America; and, second, assessing the impact of illicit financing.

Parallel to this research, given that Chapter V of the IADC sets parameters for political financing and for electoral observation, the Department decided to include the financing variable as part of the terms of reference of Electoral Observation Missions (EOMs). A **Methodology for Observing Political-Electoral Financing Systems** is therefore being prepared to permit standardized, objective, and rigorous analysis of political-electoral financing systems. This in turn will allow the Department to make more precise recommendations, tailored to the particular needs of each of the countries observed.



Democracy and Human Rights



Article 3 of the Inter-American Democratic Charter stipulates that one of the essential elements of representative democracy is respect for human rights and fundamental freedoms, and it does so because the effective exercise of human rights is indispensable for the rule of law, citizenship, and democracy. The crucial importance of observing and protecting human rights for the consolidation of democracy is evidenced by the fact that the Democratic Charter devotes an entire chapter, Chapter II, to Democracy and Human Rights.

The Inter-American Commission on Human Rights (IACHR) is the entity, within the Organization of American States, that plays a central role for the promotion and protection of human rights. In fulfilling that role, the IACHR helps strengthen the democratic system in the region to the extent that it promotes two

central pillars of the rule of law: justice and freedom of expression. Using the case system, the Commission responds to complaints made by individuals and groups of people, attending to demands for justice and combating impunity. In addition, the legal stance it takes on human rights issues and its actions based on its positions encourage legal and institutional reforms in the member states that are proper to a democratic system. As regards freedom of expression, the work of the Inter-American Commission on Human Rights, through the Special Rapporteurship on Freedom of Expression, has led to the repeal, in a dozen or so countries of the region, of *desacato* (contempt of public authority) laws and to the adoption of access to information laws, along with other key contributions. Those changes help to consolidate democracy by allowing criticism of the authorities without risk of reprisals. They also foster transparency in public institutions and in public

administration. [See Chapter I: Democracy and the Inter-American System].

Article 9 of the Democratic Charter advocates elimination of all forms of discrimination (gender, ethnic, and racial) as well as diverse forms of intolerance; the promotion and protection of human rights of indigenous peoples and migrants; and respect for ethnic, cultural and religious diversity. All that contributes to the strengthening of democracy, the expansion and exercise of citizenship, and promotion of citizen participation. The OAS is working on the preparation of a series of inter-American instruments to address these challenges and it is assisting member states with their efforts to reform regulatory and institutional frameworks so that they, too, can address these issues. These endeavors involve strengthening a culture of inclusion, equality, and tolerance in keeping with the principles and values underpinning and sustaining a democratic system.

a. Promotion of Human Rights

i. IACHR visits

In these past 10 years, the IACHR has conducted 79 visits to member states at the invitation of the countries themselves. In some cases these were *in situ* visits to ascertain the overall human rights situation; in others, they were visits by Rapporteurs to investigate a particular problem or topic. These visits highlight specific situations in which human rights are being violated either nationally or regionally. They generate awareness and exert some degree of pressure on the member states to take action. Furthermore, with a view to correcting irregularities, most of these visits result in the publication of a press release and a report that includes specific recommendations to the states. With respect to such recommendations, the Commission remains at the disposal of the states concerned to assist implementation.

A good example of the first type of (*in situ*) visit might be that carried out by an IACHR delegation in August, 2009, over a period of approximately two months, following the coup d'état in Honduras. That visit helped generate international awareness of the grave human rights consequences of the interruption of the democratic order. In January 2010, the IACHR published an exhaustive report on the human rights situation in Honduras in the context of the coup. Subsequently, in May 2010, it conducted a follow-up visit after President Porfirio Lobo had been elected and had taken office.

As for the second type of visits carried out by the IACHR Rapporteurs, it is worth mentioning those conducted in the Bolivian Chaco in November 2006 and June 2008 in order to compile information on the plight of Guaraní indigenous families subjected to servitude and forced labor akin to slavery. The visit and Report of the IACHR: *Captive Communities: Situation of the Guaraní Indigenous People and Contemporary Forms of Slavery in the Bolivian Chaco*, supported the efforts of the Government to address the structural problems of injustice and discrimination faced by the indigenous peoples and farming communities. In addition, the Government of Bolivia visited the headquarters of the IACHR in Washington, D.C., on March 11, 2008, for the public signing of a Statement of Commitment on the subject.

ii. Publication of IACHR Reports

Over the past decade, the Inter-American Commission has published 15 thematic reports, 11 country reports, and other studies on both specific countries and serious human rights concerns shared by countries throughout the region. These reports contain concrete recommendations designed to orient and advise countries so that they can comply with their international human rights obligations. Thus the IACHR's reports included the following, as well as others:

- *Terrorism and Human Rights* (2002), with recommendations to guide member states in the implementation of counter-terrorism policies with full respect for human rights.
- *Access to Justice for Women Victims of Violence in the Americas* (2007) contains recommendations relating to the design of state interventions and measures aimed at guaranteeing an appropriate judicial response to acts of violence against women.
- *Citizen Security and Human Rights* (2009) analyzes the issue of citizen security and its relation to human rights and puts forward recommendations to member states designed to strengthen institutions, laws, policies, programs, and practices for preventing and curbing crime and violence, pursuant to their international obligations to protect and guarantee human rights.
- *Rights of Indigenous and Tribal Peoples to their Ancestral Lands and Natural Resources* (2009) points to parameters and best practices for enhancing the enjoyment of human rights by the indigenous and tribal peoples of the Hemisphere.

iii. Rapporteurships and Units of the IACHR

Part of the internal structure of the Inter-American Commission on Human Rights comprises, alongside the case system units, **eight thematic rapporteurships and specialized units:** the Special Rapporteurship for Freedom of Expression, the Rapporteurship on the Rights of Women, the Rapporteurship on Migrant Workers and Their

Families, the Rapporteurship on Human Rights Defenders, the Rapporteurship on the Rights of Indigenous Peoples, the Rapporteurship on the Rights of Persons Deprived of Liberty, the Rapporteurship on the Rights of Afro-Descendants and against Discrimination, and the Rapporteurship on the Rights of the Child.

These rapporteurships and units perform a promotional, advisory, and awareness-raising function both within and outside the Organization. Internally, the Rapporteurship on the Rights of Afro-Descendants and against Discrimination advises the Working Group of the Committee on Juridical and Political Affairs of the OAS Permanent Council responsible for preparing an Inter-American Convention against Racial Discrimination. Likewise, since 2000, the Rapporteurship on the Rights of Indigenous Peoples has been counseling the Working Group responsible for drafting an American Declaration on the Rights of Indigenous Peoples.

Externally, through their studies, activities, and visits, the thematic rapporteurships and units of the IACHR play an important role drawing attention to, and raising awareness of, pressing issues in the region, to do, for instance, with the rights of women and children; of persons deprived of liberty; of migrant workers and their families; of human rights defenders; of lesbian, gay, transsexual, transvestite, bisexual and intersexual (LGTBI) persons; of Afro-descendants; and the rights of members of indigenous peoples, and so on.

iv. IACHR Training Courses

As part of its promotional and awareness-raising work, the IACHR attaches great importance to the training workshops it organizes for government officials and members of civil society organizations on human rights issues and on the workings of the inter-American human rights system.

v. Elimination of all Forms of Discrimination (Article 9)

A series of inter-American regulations are currently being developed in the OAS to combat discrimination that may serve as a guide and encourage member states to adopt or amend domestic laws along the same lines.

The implementation of multilateral and national initiatives aimed at eliminating the different forms of discrimination and intolerance leads to changes in countries' regulatory and institutional structures and, possibly, cultural patterns as well, thereby contributing to more just, supportive, and tolerant societies. That is an inseparable part of the legitimacy and self-sustainability of democracy and one that ties in closely with the consolidation of the rule of law.

Initiatives to eradicate discrimination against persons with disabilities

The Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities was adopted in June 1999 during the twenty-ninth regular session of the OAS General Assembly (held in Guatemala City) and entered into force on September 14, 2001.

In 2007, a **Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities** was established to follow up on the commitments entered into under the Convention. It comprises one representative for each State Party. The Committee also serves as a forum for examining progress made with implementation of the Convention and for sharing the experiences of the States Parties.

The States Parties undertook to present to the Committee, every four years, a report taking stock of measures adopted and progress achieved in eliminating all forms of discrimination against persons with disabilities. Those reports should also identify obstacles hampering implementation of the Convention. So far, the Committee has met twice: in Panama City, Panama (in 2007) and in Brasilia, Brazil (in 2008).

At its thirty-sixth regular session (held in Santo Domingo, Dominican Republic, in June 2006), the OAS General Assembly declared 2006-2016 to be the **"Decade of the Americas for the Rights and Dignity of Persons with Disabilities,"** as a way of achieving recognition for persons with disability and the full enjoyment of their rights and dignity, including their right to participate in economic, social, cultural, and political life and in the development of their societies, without discrimination and on an equal basis with others (AG/DEC.50 (XXXVI-O/06)). It also declared the need to undertake programs, plans, and measures to bring about the inclusion of and full participation by persons with

disabilities; to promote effective measures to prevent new disabilities; and to provide persons with disabilities with access to rehabilitation services and programs.

During that same session, through resolution AG/RES.2230 (XXXVI-O/06), the General Assembly requested the Permanent Council to establish, in the framework of the Committee on Juridical and Political Affairs, a **working group to prepare a Program of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities (2006-2016)**.

The Working Group received inputs to the draft submitted by Peru from the other member states and from pertinent bodies in the OAS, other regional and international organizations, and civil society organizations. At its thirty-seventh regular session (held in Panama, in June 2007), the OAS General Assembly adopted the **Program of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities** (2006-2016) through resolution AG/RES. 2339 (XXXVII-O/07). To date, 16 countries have submitted progress reports on implementation of the Program of Action.

Within that framework, the Executive Secretariat for Integral Development (SEDI) lends support to countries in the region wishing to implement projects designed to guarantee access to the labor market and to rehabilitation services for persons with disabilities.

Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality (PIA)

The **Inter-American Program on the Promotion of Women's Human Rights and Gender Equity and Equality** (PIA) was adopted by the OAS General Assembly in Windsor, Canada, in June 2000 (AG/RES. 1732 (XXX-O/00) and every year since then the member states have reiterated their commitment to implement it.

The adoption of the PIA marked the crystallization of a consensus among the member states regarding the violence, discrimination, and unequal conditions to which women are subjected. It recognized and asserted the need to take concrete steps to advance women's rights, combat all forms of discrimination, and promote gender equity and equality from a gender perspective.

The PIA entrusted the task of implementation to the Inter-American Commission of Women (CIM). Various steps to implement the Program have been taken since 2001, including gender training courses for OAS professional staff responsible for drafting and executing policies and programs. Each year, the CIM produces a report on implementation of the PIA, in collaboration with OAS secretariats, departments, and National Offices.

Numerous changes over the past decade led the Executive Committee of the CIM, in February 2010, to update and reactivate the PIA with the help of the CIM's 2011-2016 Strategic Plan.

The Convention of Belém do Pará and the Mechanism for Monitoring its Implementation

The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, known as the Convention of Belém do Pará (1994), established violence against women as a violation of human rights and fundamental freedoms. It was ratified by 32 member states.

The Convention of Belém do Pará provides for two types of mechanism to protect and defend women's rights. One is the Protection Mechanism, based on the presentation of individual and/or collective petitions to the Inter-American Commission on Human Rights and, subsequently, to the Inter-American Court of Human Rights.

The other is the **Mechanism to Follow Up on Implementation of the Inter-American Convention (MESECVI)**, established in 2004. This Mechanism is based on systematic application of a multilateral and independent evaluation methodology for examining progress made with implementation of the Convention. A Committee of Experts appointed by each of the States Parties is the technical body responsible for analyzing and evaluating the Convention implementation process. The Technical Secretariat of the MESECVI is located in the CIM. In the six years since it was adopted, the Mechanism has been applied twice.

Draft Inter-American Convention against Racial Discrimination

A **Working Group** was established in 2005 to prepare the **Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance**. The IACHR Rapporteurship on the Rights of Afro-Descendants and against Racial Discrimination and the Department of International Law (DIL) of the Secretariat for Legal Affairs provide that Working Group with legal advice and technical support. At the fourth plenary session of the General Assembly, held on June 8, 2010, the member states reaffirmed their commitment to concluding negotiations on the Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance (AG/RES.2606 (XL-O/10)).

Inside the OAS, notable efforts have recently been made by the DIL to mainstream Afro-descendant issues in the Organization's policies and programs.

vi. Promotion and Protection of the Rights of the Indigenous Peoples of the Americas (Article 9)

The OAS member states embarked on a process of negotiations in the quest for points of consensus regarding a **Draft American Declaration on the Rights of Indigenous Peoples**. To that end, a **Working Group** was established in the Committee on Juridical and Political Affairs of the OAS Permanent Council. That Working Group receives legal advice from the Rapporteurship on the Rights of Indigenous Peoples of the Inter-American Commission on Human Rights and from the Department of International Law of the Secretariat for Legal Affairs.

So far, the Working Group has met 13 times to negotiate the Draft. Participating in the discussions and negotiating sessions are representatives of the member states and, on average, some 70 representatives of the indigenous peoples (at the last count: 28 women and 42 men).

As regards the future of the negotiations, AG/RES. 2674 (XLI-O/11), adopted by the General Assembly at its forty-first regular session (San Salvador, June, 2011), renewed the mandate of the Working Group and requested two more meetings in the quest for points of consensus.

In 2009, the Department of International Law adopted the **Program of Action to Strengthen the Participation of Indigenous Peoples in the Inter-American System**. This Program pursues a number of objectives relating to participation, the integral development of communities, the highlighting of the rights of the indigenous peoples of the Americas, and legal assistance in connection with the human rights of the indigenous peoples. Internally, the DIL is promoting the inclusion of indigenous issues in the Organization's different projects, activities, and bodies.

vii. Promotion and Protection of the Human Rights of Migrants (Article 9)

Over the past 10 years, all the countries in the region have become countries of origin, transit, and destination of migrants. Migrants and their families face multiple challenges, both during their journey and in the countries they seek to stay in. Under those circumstances, the promotion and protection of the human rights of migrants, regardless of their immigration status, has become not just an inescapable political and legal issue on government agendas, but also one that obliges the OAS to coordinate efforts in this field at the hemispheric level. The work of the OAS is organized around three initiatives: the Inter-American Program for the Promotion and Protection of the Human Rights of Migrants Including Migrant Workers and Their Families; the Migration and Development Program, and the Special Rapporteurship on Migrant Workers and Their Families.

Migration management and policies with a human rights perspective

The **Inter-American Program for the Promotion and Protection of the Human Rights of Migrants Including Migrant Workers and Their Families** was prepared by a Working Group of the Committee on Juridical and Political Affairs (CAJP), which completed its work in May 2005. The Program was adopted by the OAS General Assembly in June 2005 through resolution AG/RES. 2141 (XXXV-O/05), which first and foremost instructed the Permanent Council to convene special annual meetings of the CAJP, with the participation of experts from numerous sectors, to share best practices and experiences of activities

carried out in the course of the year in support of the Program and to propose new practices and activities for inclusion in the Program. Accordingly, six annual special meetings have been held since 2006.

In 2007, the Permanent Council established the Special Committee on Migration Issues (CEAM). The Committee holds regular meetings with the participation of a number of stakeholders and agencies in order to exchange information on migration flows in the region focusing on identification of best practices in migration management and policies and promotion of horizontal cooperation in this field among member states.

Migration and Development

In 2008, the General Secretariat launched, under the Executive Secretariat for Integral Development (SEDI), a Migration and Development Program (MiDE) to lend technical support to the CEAM and the Working Group of the CAJP's Inter-American Program for the Promotion and Protection of the Human Rights of Migrants Including Migrant Workers and Their Families.

MiDE endeavors to mainstream the migration issue within the OAS; coordinates the development and execution of migration projects with several areas of the Organization; promotes ties with other international organizations specializing in this field and with regional consultation mechanisms on migration; and fosters opportunities for constructive dialogue and cooperation among countries to reach a basic understanding of the issues and shared guidelines regarding migration and migrants.

Promotion and protection of the human rights of migrants and their families

A crucial role is also played, in this area, by the Special Rapporteurship on Migrant Workers and Their Families of the Inter-American Commission on Human Rights. Its establishment reflects the concern of the OAS member states to attend to the needs of a highly vulnerable group, by focusing on violations of the human rights of migrant workers and their families when they find themselves in a country that is not their own. Chief among the activities carried out by the Rapporteurship is monitoring of policies and practices that affect protection and human rights guarantees for migrant workers and their families.

b. Defense of Human Rights

The Inter-American Democratic Charter devotes Article 8 to the inter-American system for the promotion and protection of human rights, to which any individual or group of people may resort to file complaints or petitions, following certain established procedures, if they consider that their human rights have been violated. In the 10 years that have elapsed since adoption of the Charter, there has been a substantial increase in the number of complaints and petitions received by the Inter-American Commission. This trend is partly due to the spread of democracy which, in turn, promotes increasing awareness among citizens of their rights and of their capacity to exercise them; to dissemination of, and familiarity with, the work of the IACHR among the inhabitants of the Americas; and to growing confidence in the inter-American system. There has also been an improvement in states' compliance with recommendations regarding human rights and in their response with respect to human rights issues.

i. System of Petitions and Cases

In 2000, prior to the adoption of the Inter-American Democratic Charter, the Commission received 658 petitions. By 2010, the number had risen to 1,598. To be able to respond to that increase, the IACHR made changes to its Rules of Procedure, its structure, and its internal working procedures, which resulted in a sustained increase in the number of petitions assessed each year. Furthermore, in recent years, the Commission managed to reduce its backlog of cases, despite the limited resources at its disposal.

Complying with IACHR recommendations in specific cases, countries in the region prohibited the recruitment of minors for the Armed Forces; returned ancestral lands to indigenous peoples; publicly asked a large number of victims of human rights violations for forgiveness, and paid reparation to hundreds of victims and family members of victims of human rights violations, among other significant achievements of the petitions and cases system.

ii. Precautionary Measures

The IACHR protects the life and bodily integrity of thousands of people by granting precautionary measures. Over the past 10 years, the Commission has issued almost 500 precautionary measures, many of which protect more than one individual. Illustrating how

important this instrument is, hundreds of human rights defenders throughout the region managed to agree with their governments on security measures to protect their lives and the continuity of their work, based on precautionary measures granted by the IACHR.

iii. Sessions

In April 2011, the IACHR held its 141st regular session. Since the advent of democracy in the region and its continuity over these past four decades, the IACHR has conducted approximately 1,000 hearings that have helped to move forward petitions, cases, and precautionary measures and to achieve a much better grasp of human rights situations in particular countries and in the region as a whole. A major step forward for strengthening the inter-American human rights system occurred in 2007 with the first live transmission of public hearings via the Internet.

iv. Friendly Settlements

In the individual petition system, one of the IACHR's main functions is to place itself at the disposal of the parties with a view to reaching a friendly settlement, if the parties deem it appropriate. These processes involve dialogue between the parties through the good offices of the Commission and constitute alternative solutions that resolve cases with some measure of satisfaction for the injured party.

Friendly settlement procedures afford a unique occasion for dialogue between states and individuals or groups of individuals and they generate opportunities to discuss, among other matters, reparation and measures to prevent a recurrence of what happened. In the Commission's experience, the friendly settlement agreements resulted in measures that, via legislation, public policies, and through institutional channels, had ample systemic effects in favor of respect for human rights. For instance, in 2008, Argentina repealed the Military Justice Code and adopted a new system under which crimes committed by military personnel will be judged by the regular courts, within the framework of an amicable solution arrived at between the parties. More recently, in 2011, the State of Guatemala and the petitioners signed an agreement in the Jacobo Arbenz case in which the State committed to taking steps to restore the historic memory of the former President overthrown in a coup d'état perpetrated in 1954.

c. Prevention of Human Rights Violations

The inter-American human rights system was created to defend the individual rights of persons. Over time, as its activities developed, in addition to fulfilling that mandate, the Inter-American Commission helped bring about changes in structural conditions that, if they had persisted, would have resulted in the violation of the human rights of millions of persons. In decisions on individual or collective cases, the IACHR analyzes the victims' situation and recommends the measures needed to do justice and make reparation to the victims. However, it also analyzes the structural situation underlying the violation and makes legislative and public policy, as well as other, recommendations for overcoming that situation. This changing role reflects the part that the IACHR played in dealing with authoritarian governments and during transition periods and the role it currently has with respect to the consolidation of democracy.

One of the Commission's major contributions to the current process of consolidating democracy was to declare the unacceptability of amnesty laws for human rights violations in cases filed against Argentina, Uruguay, El Salvador, Chile, and Peru. That stance helped bring to trial those accused of having perpetrated coups d'état and murdered or disappeared thousands of people. Another fundamental legal position taken by the IACHR in relation to the consolidation of democracy is its insistence on the subordination of the military to the civilian authority. Consistent with that standpoint, the Commission pointed out that military courts are not competent to investigate, try, and punish the perpetrators of human rights violations. Rather it is always incumbent upon the ordinary justice system to try those responsible. In recent years, Mexico and Argentina amended their laws in accordance with this principle and other countries have begun to debate the matter.

The judicial positions and recommendations of the IACHR have helped generate legislative and institutional changes that, in turn, have made it possible to overcome structural elements that impaired the enjoyment and exercise of the rights of millions of people. In this way, the Inter-American Commission on Human Rights also plays a preventive role against new human rights violations. That, too, is a vital contribution to the process of consolidating democracy in the region.



Democracy, Integral Development, and Combating Poverty



In Chapter III, the Inter-American Democratic Charter acknowledges the virtuous circle generated by a democratic political system, integral development, and human rights. Just as the Charter itself is based on a broad and comprehensive vision of democracy, this Chapter embraces the notion of "broader citizenship," transcending the spheres of the rights inherent in political and civil citizenship to encompass economic, social, and cultural rights, as well. Thus, Article 13 of the IADC maintains the need to promote and observe these three types of rights since they are inherently linked to integral development, equitable economic growth, and to the consolidation of democracy in the states of the Hemisphere.

The IADC echoes the importance of fostering a "broader citizenship" when it asserts in Article 11 that democracy and social and economic development are

interdependent and mutually reinforcing. It then goes on to state that poverty, illiteracy, and low levels of human development are factors that adversely affect the consolidation of democracy (Article 12). Given the harmful effects that these problematic social issues have on democracy's ability to sustain and legitimize itself over time, the Charter establishes the commitment of member states to adopt and execute all those actions required to combat them, while maintaining macroeconomic equilibria. Furthermore, in Article 14, the member states agreed to conduct a periodic review of the actions adopted and carried out by the Organization to promote dialogue, cooperation for integral development, and the fight against poverty.

It transpires that this commitment to "broader citizenship" is especially important in a region which, despite having begun its fourth decade of democracy and having experienced periods of sustained economic growth, still has high poverty and extreme poverty indices and a highly skewed distribution of wealth and income. These socio-economic differences are exacerbated by the superimposition of racial,

ethnic, gender, and geographical divides. Forging democracy also means building "broader citizenship," as can be deduced from Article 4 of the Inter-American Democratic Charter, when it mentions "respect for social rights" as one of the essential components of the exercise of democracy. Reality shows us that without social and economic development, without the generation of opportunities, and with high levels of inequality, democracy loses support, credibility, and meaning among the citizens of the Hemisphere.

Finally, this Chapter introduces two topics related to integral development and "broader citizenship": the environment and education. Article 15 affirms that the exercise of democracy promotes the preservation and good stewardship of the environment in order to achieve sustainable development for the benefit of future generations. Access to quality education available to all is described in Article 16 as a key factor with positive spin-offs at multiple, interconnected levels: it strengthens democratic institutions, promotes the development of human potential, alleviates poverty and fosters greater understanding among our peoples.

Through the **Executive Secretariat for Integral Development (SEDI)**, the OAS assists member states in their efforts to reduce poverty and achieve higher levels of social and economic development. There are three main thrusts in SEDI's work: first, the facilitation of hemispheric and intersectoral political dialogue aimed at sharing experiences and best practices and coordinating joint actions; second, support for the formulation of public policies in area related to integral development; and, third, human and institutional capacity-building.

SEDI coordinates meetings of ministers and high-level authorities in education, labor, social development, culture, sustainable development, tourism, competitiveness, science and technology, cooperation, and other areas. In these forums for high-level political debate, the member states forge consensus on a number of development-related issues and adopt action plans. The implementation of those action plans, and the follow-up to them, are carried out through inter-American cooperation mechanisms comprising representatives of the countries' public and private sectors, as well as various regional and international institutions. Included in those mechanisms are 18 inter-American cooperation networks coordinated by SEDI, among them the Inter-American Teacher Educator Network and the Inter-American Social Protection Network. In keeping with Article 14 of the IADC, the high-level meetings and the networks tighten ties between the countries' sectors and institutions and facilitate the communication, exchange, and transfer of successful experiences and lessons learned in key areas for integral development.

The programs and projects designed and implemented by SEDI derive from action plans adopted by the political bodies. Over the past 10 years, SEDI programs and projects provided technical assistance and quality training through workshops, face-to-face and on-line courses. They also involved coordinating/preparing technical studies on issues that, in turn, shaped the formulation of public policies and actions carried out by the member states. For its part, the Partnership for Development Fund of FEMCIDI provided financial support for more than 1,100 projects in education, culture, democracy, science and technology, trade, tourism, social development, and sustainable development.

a. The Generation of Productive Employment as a Strategy for Combating Poverty and Fostering Social Inclusion

The **Economic Empowerment Program** organizes forums for dialogue with authorities responsible for trade and for Micro, Small, and Medium-sized Enterprises (MSMEs) and facilitates cooperation among them. The Program also serves to implement projects focused on strengthening MSME business capacities, since those enterprises generate the most jobs and therefore play a key part in poverty reduction and the promotion of social inclusion. Another project focuses on small enterprises in tourism and involves providing support with marketing and quality control of both products and services. The project started in the Caribbean and, given tourism's potential as an engine for achieving economic and social welfare, it was replicated in other Central American and Andean countries.

The **Inter-American Network for Labor Administration** seeks to enhance communication, cooperation, and technical assistance among labor ministries in the region and among representatives of workers' and employers' associations, with a view to capacity-building, achieving greater observance of labor laws, promoting productive employment generation, and improving working conditions. For its part, the **Inter-American Social Protection Network** facilitates opportunities to share successful experiences and lessons learned regarding poverty reduction and job opportunities.

b. Economic, Social, and Cultural Rights

SEDI monitors implementation of the **Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights, "Protocol of San Salvador,"** which entered into force on November 16, 1999 and has been ratified by 15 member states. The states parties undertook to prepare periodic reports on measures taken to implement the

Convention. Accordingly, since a Working Group was formed and charged with preparing progress indicators, SEDI provides that Group with technical support and assists negotiations among the member states regarding the indicators. Moving ahead with, adopting, and applying the Protocol's progress indicators would be one way of implementing Article 13 of the IADC.

Also under way are discussions on a draft **Social Charter of the Americas**, which uses a broad definition of democracy going beyond the political system sphere and including a broader citizenship approach. This instrument, promoted by the Government of the Bolivarian Republic of Venezuela, emphasizes integral development and social justice with a view to eradicating extreme poverty, inequality in the distribution of wealth and income, and social exclusion. All these factors impair the full exercise of citizenship, undermine good governance, and run counter to the consolidation of democracy in the states of the Hemisphere. If it is adopted, the Social Charter could be construed as an instrument that would facilitate implementation of the provisions of Article 13 of the IADC regarding the promotion and observance of economic, social, and cultural rights. Since the draft Social Charter was first brought up for discussion in 2005, SEDI has been assisting with the dialogue concerning it and its Plan of Action.

c. Environment

As Article 15 of the Inter-American Democratic Charter points out, the exercise of democracy promotes the preservation and good stewardship of the environment, and it is essential that the states of the Hemisphere implement policies and strategies to protect the environment, in order to achieve sustainable development for the benefit of future generations. In that framework, SEDI, through the Department of Sustainable Development (DSD), cooperates with the member states in order to incorporate environmental considerations in development plans and to facilitate technology transfer mechanisms for environmental protection. The main activities concern integrated and sustainable management of water resources; the development and

use of renewable forms of energy; energy cooperation and efficient energy systems (the project run by the Energy and Climate Partnership of the Americas); institution-building and strengthening of environmental legislation; and the exchange of information for the sustainable use of biodiversity in the Americas.

d. Education

Given the beneficial crosscutting impact of education alluded to in Chapter III of the IADC, it has pride of place among SEDI priorities. Between 2001 and 2011, 13,429 scholarships were awarded for academic and professional development studies; 20,767 citizens of the Americas received training through the **Educational Portal of the Americas**; and the **"Leo S. Rowe" Pan American Fund** granted 1,117 interest-free loans to students in the region and OAS personnel.

Through the **Regional Education Indicators Project (PRIE)**, SEDI, together with the United Nations Educational, Scientific and Cultural Organization (UNESCO), and Mexico's Secretariat of Public Education, assisted with the monitoring of fulfillment of the Summits of the Americas education sector goals. It also offered training and technical assistance to ministries of education so as to boost their ability to produce data on the state of education in their respective countries.

The **Inter-American Teacher Educator Network** allows SEDI to provide assistance with the preparation of teacher training programs throughout the Hemisphere. In this way, it helps to enhance one of the essential components for all citizens to have access to quality education (Article 16 of the IADC).

In 2007, the Ministers of Education of the region signed a historic **Hemispheric Commitment to Early Childhood Education**. SEDI monitors and supports that Commitment through a number of projects, one of them being a project it implements in cooperation with the Bernard van Leer Foundation, which enables it to issue recommendations to the national authorities to improve early childhood education in rural and indigenous communities in eight countries of the Americas.



Strengthening and Preserving Democratic Institutions

In the 10 years of the Charter's existence, Chapter IV has been invoked at least nine times, including that of the coup d'état in Honduras. The application (or, as the case may be, the non-application) of the provisions of this Chapter has prompted criticism of the IADC and of the Organization itself. A series of proposals were put to the OAS for rendering the Inter-American Democratic Charter more effective.

The Inter-American Democratic Charter is recognized as being the most complete inter-American instrument so far promulgated for promoting and strengthening democratic principles, practices, and culture among the states of the region. It is also the instrument to which the governments of the member states of the Organization resort when faced with circumstances that threaten democratic institutional processes or the legitimate exercise of power. The Inter-American Democratic Charter places at the disposal of the member states, the Permanent Council, and the Secretary General diplomatic instruments and collective action mechanisms in the case of an alteration of the constitutional order or interruption of the democratic order, with a view to restoring that order. If an interruption of the democratic order has taken place and if diplomatic

initiatives prove unsuccessful, the IADC provides for the possibility of punishing the member state by suspending its right to participate in the OAS,

The decision as to whether to apply the IADC preventively or in cases of an interruption of the democratic order depends on the will of the member state concerned and on the consensus or majorities generated among the other member states. This is not an insignificant detail, especially if one compares it with other decision-making models used at the multilateral level. Negotiation, the quest for points of consensus, and the putting together of majority positions forces the 34 active member states to reconcile differences, in such a way that the decisions taken are representative and reflect the collective will. Accordingly, a possible amendment of the IADC will require a consensus among all the member states.

Another important factor to be considered in attempting to understand the Organization's response to situations that could place the democratic political process or the legitimate exercise of power in a particular member state at risk is the strength and ongoing validity of the principles of non-intervention and noninterference in the Hemisphere. The defense of these principles conflicts with the commitment espoused by the member states in the Inter-American Democratic Charter to protect democracy by means of collective action mechanisms. To overcome that conflict, ways have to be found for making application of the Charter more effective without violating those principles.

In seven of the aforementioned cases, the Inter-American Democratic Charter was applied preventively to avoid the escalation of a political-institutional crisis that could have placed the democratic process or the legitimate exercise of power at risk and led to interruptions of the democratic order. In those cases, the dispatch of missions or special representatives and the opening up of channels for dialogue were some of the mechanisms used effectively by the Organization to defuse highly destabilizing circumstances capable of

seriously disrupting the democratic order. These preemptive diplomatic initiatives by the OAS and its member state reveal a touch of boldness and creativity, within the parameters of the Democratic Charter, that turned out to be necessary for dealing with situations in which the continuity of democracy was at risk.

Two of the nine cases in these 10 years in which the IADC has been in force—Venezuela (2002) and Honduras (2009)—are regarded as interruptions of the democratic order. In the second, Honduras, case, the Organization reacted promptly within the framework of the Inter-American Democratic Charter, by applying it fully and forcefully.

Looking back, one can say that application of Chapter IV of the Charter was, in this case, a success. In this assessment of how the IADC has performed, specifically with respect to the defense of democracy, it is important to review the cases in which it did not work: Venezuela (April 2002), when President Hugo Chávez was removed from office unconstitutionally; and Ecuador (December 2004), when President Lucio Gutiérrez dissolved the Supreme Court of Justice. While all cases in which the IADC was invoked teach us lessons and help us to identify best practices, these two instances in which the Charter turned out to be ineffective point to three defects in the instrument. In the case of Venezuela, difficulties in reaching a consensus or a substantial majority impeded the Permanent Council from reaching an expeditious decision when faced with the interruption of the democratic order in that country. For its part, Ecuador demonstrated how the restrictions on ways to begin triggering Chapter IV of the IADC limit its application, especially preventively. The Ecuador case also draws attention to the lack of clear criteria for defining when, and to what extent, the OAS is faced with an alteration of the constitutional order or an unconstitutional interruption of the democratic order warranting actions by the Organization.

Following are instances in which the OAS, under Chapter IV of the IADC, acted soon and effectively enough to prevent destabilizing situations and defend democracy.

Venezuela 2002-2004

The first time the OAS acted in defense of democracy under the IADC framework was in response to the interruption of the democratic order in Venezuela in April 2002. The implementation of several substantive reforms by the Government of President Hugo Chávez Frías created a highly polarized situation. On April 12, 2002, the clash turned violent and human lives

were lost. That same day, General Lucas Rincón, the Minister of Defense, announced that President Chávez had been dismissed. A "Democratic Transition and National Unity Government" was constituted and Pedro Carmona Estanga, President of Venezuela's Federation of Chambers of Commerce and Manufacturers' Associations (Fedecámaras) was appointed to head it. Following his appointment, the de facto President abolished the Constitution and dissolved the branches of government, including the National Assembly and the Supreme Court. Those decisions exacerbated citizens' rejection of the interruption of the constitutional order and led a majority faction of the Armed Forces to support a restoration of the legally constituted Government. On April 14, Hugo Chávez was restored as constitutional President of Venezuela.

Faced with this crisis, the OAS Permanent Council met on April 13, 2002 and, for the first time, applied Chapter IV of the IADC (specifically, Article 20) and adopted resolution 811. CP/RES.811, which condemned "the alteration of constitutional order" and the acts of violence that had led to the loss of human life. It also called for "the normalization of the democratic institutional framework in Venezuela" and decided to send "as a matter of urgency, a Mission headed by the Secretary General of the OAS, with the aim of carrying out a fact-finding mission and undertaking the necessary diplomatic initiatives, including good offices, to promote as quickly as possible the normalization of the democratic institutional framework." It also convoked "a special session of the General Assembly."

At its twenty-ninth special session, on April 18, the General Assembly adopted AG/RES. 1 (XXIX-E/02), in which it expressed "satisfaction at the restoration of the constitutional order and the democratically elected government of President Hugo Chávez Frías." It also supported "the initiative of the Government of Venezuela to convoke immediately a national [...] dialogue."

On June 4, 2002, the OAS General Assembly adopted the "Declaration on Democracy in Venezuela," AG/DEC. 28(XXXI-02), and encouraged "the Government of Venezuela to explore the opportunities the OAS affords for promoting the national dialogue that is currently taking place in Venezuela and that was convoked by President Hugo Chávez Frías in the interests of deepening national reconciliation." Along those same lines, on August 14, the Permanent Council adopted resolution 821, in which it reiterated the readiness of the OAS to provide support to further the process of dialogue, and it supported the good offices of the Organization, the United Nations Development Programme (UNDP), and the Carter Center.

After several months of negotiations, facilitated by the OAS, the Carter Center, and the UNDP, the Government and the opposition (the latter having formed a group called *Coordinadora Democrática*) signed the "Declaration of Principles for Peace and Democracy" on October 15, 2002. Based on that initial agreement, a "Negotiation and Agreement Roundtable" was established in Venezuela on November 8. The OAS Secretary General was appointed International Facilitator with the technical support of the three organizations already involved.

During the mediation period, which lasted approximately seven months (from November 8, 2002 to May 23, 2003), two further agreements were signed. The "Declaration against Violence and for Peace and Democracy" was signed on February 18, 2003, followed, on May 23, by the signing of the "Agreement between the Representative of the Government of the Bolivarian Republic of Venezuela and the Political Groups Supporting it and *Coordinadora Democrática* and the Political and Civil Society Organizations Supporting it." The latter agreement proposed an electoral way out of the crisis. Pursuant to that proposal and to conclude OAS efforts to help overcome the crisis, the Organization sent an Electoral Observation Mission on August 15, 2004, in order to observe the Presidential Recall Referendum, which took place in an orderly and peaceful manner.

Nicaragua 2005

In June 2005, the OAS sent a special mission to Nicaragua at the request of President Enrique Bolaños, in order to facilitate dialogue between the Government and the major political parties. The institutional-political crisis was unleashed by the President's refusal to publish a partial reform of the Constitution that, generally speaking, tilted the balance of power in favor of the Legislative Branch, to the detriment of the Executive. That decision by the Executive prevented the partial reform from entering into force and triggered a clash between the Executive and Legislative branches of government. The Supreme Court of Justice became involved in the dispute when it ratified the constitutional amendments introduced by the National Assembly.

The turn events were taking and the impasse created between the branches of government led the Government of Nicaragua to request the deployment of a mission of the Organization of American States. To that end, on June 7, 2005, the OAS General Assembly, invoking Article 18 of the IADC, adopted AG/DEC. 43 (XXXV-O/05) which declared the need

to send to Nicaragua, as soon as possible "a mission headed by the OAS Secretary General that helps to establish a broad national dialogue, with a view to finding democratic solutions to the serious problems that exist."

The Special Mission spent five months in Nicaragua, from June to October 2005, facilitating the political dialogue derived from the adoption of the Framework Law on Stability and Governance of the Country. The Framework Law incorporated the agreements reached among the political factions, including suspension of enactment of the constitutional reform. It also established the conditions of normality needed to conduct the electoral process, which took place in March and November 2006. Finally, the Framework Law institutionalized relations between the political factions, establishing a Forum for Dialogue, which facilitated law-making, with the Catholic Church and the OAS participating as guarantors.

The OAS work of facilitating an end to the crisis culminated with the deployment of an Electoral Observation Mission, which was present during the regional elections on the Atlantic Coast on March 5, 2006, as well as during the presidential and legislative elections held on November 5 of that year.

Ecuador 2005

In response to a request by the Government of Ecuador, the OAS Secretary General appointed a Special Mission to observe the selection of members of the Supreme Court of Justice from June to November, 2005. The Special Mission was conducted pursuant to resolution 883, adopted by the Permanent Council on May 20, 2005, which invoked Article 18 of the IADC.

When the Mission arrived, the country had gone without a Supreme Court (CSJ) for more than a year. Twice—in December 2004 and in April 2005—the judges of the CSJ had been dismissed. The first time, in December 2004, the dismissals had not led to any mass protests. In April 2005, after new judges had been installed, they decided to annul the charges of corruption leveled against former President Abdalá Bucaram, thereby making it possible for him to return to the country. That decision roused the population of Quito. In an attempt to contain the mobilization of the population and stem the discontent, the President again dismissed the Court and decreed a state of emergency. That last decision incensed the ire of the people even more and increased protest against Gutiérrez's government. Under those circumstances, Congress authorized the dismissal of the President, "for abandonment of office," under Article 167 of the

Constitution. The Legislature then proceeded to adopt the Amendment of the Organic Law of the Judiciary to determine the mechanism for selecting judges and alternate judges of the Supreme Court of Justice. However, various segments of society regarded that amendment as unconstitutional. Given that society was divided concerning the constitutionality of the amendment to the Organic Law of the Judiciary and widespread skepticism as to the criterion for selecting the members of the Supreme Court, the OAS Mission helped in three ways to overcome the political-institutional crisis besetting the country. First, it helped build an atmosphere of trust in society based on a strategy of establishing contacts and communicating with the media. Second, it supported the installation of a selection committee and assisted its activities. Third, the Mission helped persuade the Finance Ministry to transfer resources to the selection committee to enable it to begin operating without delay. The OAS presence ensured transparency in the process of selecting and appointing the judges of the Supreme Court and thereby helped uphold the credibility and independence of the principal judicial organ.

Bolivia 2008

The actions undertaken by the OAS in Bolivia stemmed from a request by the Government of President Evo Morales and aimed to facilitate dialogue with the opposition. Forming the backdrop to the Organization's diplomatic moves and good offices in this case were clashes regarding the new Political Constitution. The central government was faced with opposition from certain sectors, especially the prefects and civic committees of the departments in the so-called "half-moon," which were demanding greater autonomy.

On March 4, 2008, the Minister of Foreign Affairs and Worship of Bolivia, David Choquehuanca, addressed the OAS Permanent Council to request assistance with the referendum for approving Bolivia's new State Constitution scheduled for May 4 of that year. On April 26 and May 2, the Bolivian Minister of Foreign Affairs again addressed the Permanent Council to describe the political events that were troubling the country and the Constitutional Government and to request OAS assistance under Article 17 of the IADC.

On May 3, 2008, the Permanent Council adopted resolution 935, "Support for the Process of Dialogue, Peace, and for Democratic Institutions in Bolivia," through which it reaffirmed the readiness of the Organization to provide such support as the Government of Bolivia might require in implementing

the process of dialogue and to strengthen its democracy. It also instructed the OAS Secretary General to continue to use his good offices to promote dialogue and build consensus in Bolivia; to which end Special Representatives were appointed.

In order to comply with the mandate arising from the resolution, the OAS closely monitored developments in the political situation in Bolivia and the Special Representatives visited Bolivia several times to open channels of communication between political and social players who were not talking to each other directly. This "itinerant diplomacy" served to establish a dialogue through intermediaries, identify areas of agreement, and use institutional channels to overcome political discrepancies.

The Organization also acted as guarantor of the transparency of the recall referendum for the office of President and of eight of the nine prefects, which took place on August 10, in the presence of an OAS Electoral Observation Mission.

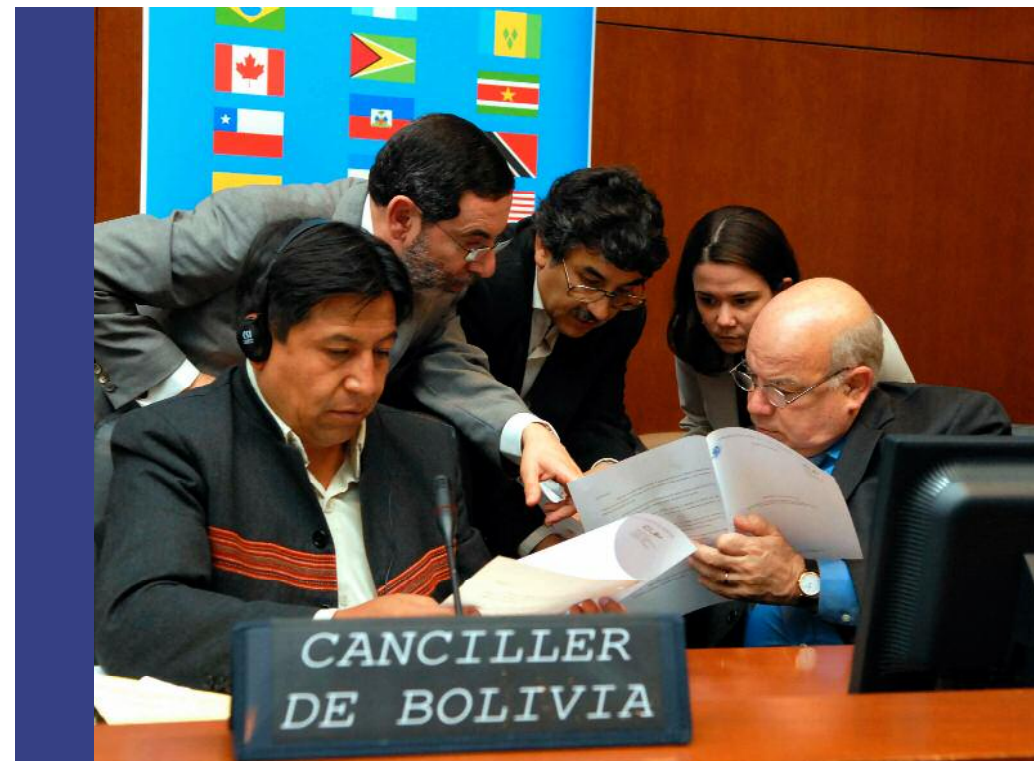
In October, the OAS also participated in the dialogue between the Central Government and the prefects and helped facilitate dialogue among senators and representatives of all the political factions in Congress. Finally, the OAS used its good offices and was present, along with other international organizations, in the negotiations at the roundtable installed in the National Congress. The OAS presence facilitated the negotiations leading to a political agreement among the parties and adoption of the new Political Constitution of the Plurinational State of Bolivia.

Guatemala 2009

Democratic stability in Guatemala was jeopardized in May 2009 by the assassination of attorney Rodrigo Rosenberg. The attorney had left a video recorded before his death on May 10 of that year, accusing President Álvaro Colom and other people in his inner circle of responsibility for his death.

When the video became known, Guatemalan society split in two, with some sectors mobilizing against the Government and calling for the temporary resignation of the President pending an investigation, and others demonstrating their support.

In light of the potentially destabilizing nature of the events of May 10, the Minister of Foreign Affairs of Guatemala, Roger Haroldo Rodas Melgar, addressed the Permanent Council and told the representatives of the member states what was happening in his country. In order to avoid destabilization of the democratic constitutional order, on May 13, 2009 the Permanent Council adopted resolution 950. Through that



resolution, the Organization supported the constitutional Government of Guatemala and, among other decisions, instructed the Secretary General to provide full cooperation by the Organization at the request of the Government of Guatemala to strengthen and preserve the democratic institutional system in that country.

Pursuant to that resolution, the Secretary General and the Secretary for Political Affairs traveled to Guatemala with a view to supporting its Constitutional Government. The two officials met with the country's political and social leaders and offered political and technical assistance to the Government of Guatemala. The preemptive diplomacy employed by the Organization prevented the crisis from escalating into a destabilizing situation.

Paraguay 2009

As soon as President Fernando Lugo took office, in August 2008, the OAS General Secretariat placed itself at the disposal of the Government of Paraguay for promoting democratic governance in that country.

On March 3, 2009, the Secretary General took part in a seminar organized in Asunción, by the OAS Secretariat for Political Affairs (SPA) on the region's

experiences with judicial reform. The seminar coincided with a political debate in Paraguay regarding the appointment of new Supreme Court justices. Against that backdrop, the Secretary General underscored the importance of the institutional status and independence of the judiciary.

On September 7, 2009, the Secretary General again visited Paraguay at a time when, for lack of political agreements, the Government was finding it difficult to advance its reform agenda. The presence of the Secretary General and the meetings he held with the different political players helped to underline the importance of stable institutions and of opportunities for dialogue.

Finally, on December 16, 2009, the Secretary General sent a mission to Paraguay to lend support to the efforts of the Government of President Fernando Lugo to engage in a political dialogue with different sectors in society aimed at overcoming the obstacles to implementation of its policies and addressing the incipient threats to democratic stability. The Mission assessed the situation and offered the Paraguayan Government OAS assistance with facilitating, if need be, a national dialogue, which in the end did not materialize.

Honduras 2009-2010

On June 26, 2009, the Government of the Republic of Honduras requested the Permanent Council for assistance under Article 17 of the IADC. Given that the events posed a threat to the democratic political process and the legitimate exercise of power, the Permanent Council adopted resolution 952, through which, along with other measures, it instructed the Secretary General "to establish a Special Commission to visit Honduras as a matter of urgency, with a view to analyzing the facts and contributing to broad national dialogue aimed at finding democratic solutions to the current situation." The Secretary General immediately established the Special Commission, which was due to travel to Tegucigalpa on Monday, June 29. However, a combination of actions by the players involved and a certain inertia culminated in the coup d'état of June 28, which forcibly overthrew the constitutional Government of President José Manuel Zelaya Rosales.

That same day, the Permanent Council adopted resolution 953, in which it condemned the coup d'état and the arbitrary detention and expulsion from the country of the constitutional President. It demanded the immediate, safe return of President Zelaya to his constitutional functions and declared that no government arising from that interruption of the democratic order would be recognized. Invoking Article 20 of the Inter-American Democratic Charter, it instructed the Secretary General to carry out all necessary consultations with the member states of the Organization to promote normalization of the democratic institutional order. In the same resolution, the Permanent Council convened a special session of the OAS General Assembly.

In plenary session, on July 1, 2009, the General Assembly adopted resolution 1 (XXXVII-E/09), in which it instructed the Secretary General to undertake, together with representatives of various countries, diplomatic initiatives aimed at restoring democracy and the rule of law and the reinstatement of President José Manuel Zelaya Rosales, pursuant to Article 20 of the Inter-American Democratic Charter. That resolution established that should those diplomatic initiatives prove unsuccessful within 72 hours, the Special Session of the General Assembly would forthwith invoke Article 21 of the IADC to suspend Honduras' right to participate in the OAS.

Rejection of that resolution by the de facto government and the exacerbation of the crisis led the General Assembly to adopt AG/RES. 2 (XXXVII-E/09) on July 4, 2009. With 33 votes in favor and Honduras abstaining, that resolution suspended the right of Honduras from the exercise of its right to participate in the OAS. Simultaneously, the resolution gave instructions for diplomatic initiatives to continue with a view to restoring democracy and the rule of law in Honduras and reinstating President Zelaya.

Under this mandate, the OAS undertook a number of diplomatic initiatives. They included, notably, support for moves made by the former President of Costa Rica, Oscar Arias; the organization of two missions of ministers of foreign affairs; mediation in the "Guaymuras Dialogue"; and facilitation, in this case jointly with a delegation of the United States of America, of the negotiations for the "San José-Tegucigalpa Accord."

In addition, the OAS helped overcome the obstacles preventing Honduras' reincorporation into the Organization. Once president Porfirio Lobo Sosa had been elected, the Organization lent him institutional support and technical advice for setting up a Truth Commission. In June 2010, the OAS General Assembly instructed the Secretary General to form a High-Level Commission to analyze developments in the political situation in Honduras and to submit a report with his recommendations. That report identified a number of requisites, fulfillment of which paved the way for the full reincorporation of Honduras in the OAS.

After somewhat bumpy legal proceedings, the Supreme Court of Justice finally, in May 2011, annulled lawsuits pending against former President Zelaya, paving the way for Zelaya's return to Honduras and, hence, for Honduras' return to the OAS. Initiatives by the governments of Colombia and Venezuela, culminating in the Cartagena Agreement, helped both these processes.

Once the recommendations of the High-Level Commission coordinated by the Secretary General and the conditions stipulated in the Cartagena Agreement had been fulfilled, the member states met on June 1 and adopted resolution 1 at the fortieth special session of the General Assembly. That was how, in accordance with Article 22 of the IADC, the suspension was lifted and Honduras returned to the OAS.

Ecuador 2010

On September 30, 2010, a police riot broke out in Ecuador. Faced with the imminent risk of an alteration of the constitutional order, the Permanent Council met in special session at the request of the Permanent Representative of Ecuador to the OAS, Ambassador María Isabel Salvador. After analyzing the crisis in the country, the member states adopted resolution 977 by acclamation on the same day as the police uprising. They repudiated what had happened; expressed firm support for the constitutional Government of Rafael Correa; and made a strong appeal to Ecuador's law enforcement personnel, as well as to the political and social sectors, to avoid all acts of violence that could further exacerbate the situation of political instability the country was undergoing. The resolution also asked the Secretary General to offer "the Organization's full cooperation, at the request of the Government of Ecuador, to preserve the democratic institutional system in that country."

Pursuant to the mandate in that resolution, the Secretary General traveled immediately to Ecuador to express his support for and solidarity with the President. The immediate response by both the Permanent Council and the Secretary General of the OAS quickly helped contain the crisis and dissuade the destabilizing sectors from further action. Other determining factors were the backing of the citizenry and the support of the Armed Forces for the constitutional Government of Ecuador.

Haiti 2010-2011

At the request of the Government of Haiti, the Organization of American States (OAS), together with the Caribbean Community (CARICOM), dispatched a Joint Electoral Observation Mission on August 3, 2010 to prepare for the presidential and legislative elections scheduled for November 28, 2010. The elections were of great strategic importance because the government to emerge from them would have to direct the country's reconstruction efforts.

The lack of credibility of the Provisional Electoral Council (CEP) was one obstacle to the success of the elections. That distrust had led several political parties to boycott the elections. Those circumstances caused the Mission to play a more proactive role in shoring up the process.

The first round was marred by accusations of fraud and, in particular, by the demand of 12 of the 19

candidates that the elections be annulled. In Port-au-Prince, as well as other cities, acts of violence punctuated the voting and there were serious irregularities on election day. Those occurrences posed a threat to the entire electoral process. Under those circumstances, the part the Mission played was vital for determining the validity of the elections. On November 29, the Joint Electoral Observation Mission stated that, although the elections had been marred by extensive irregularities, the latter were not sufficient to invalidate the process as a whole. This statement helped to defuse a tense situation and gave the electoral authorities time to tally the actual votes. However, when the provisional results were announced, which meant that candidate and current President Michel Martelly would not be eligible to take part in the second round, there were popular uprisings in Port-au-Prince and Les Cayes that brought those two cities to a standstill for four days. Consequently, President René Prével, after having failed to establish a national verification commission, once again turned to the Organization of American States to establish a Mission of Experts to Verify the Vote Count.

The Mission, comprising experts from member states and observer countries, delivered its official report to the Haitian Government on January 13, 2011. The report recommended that the electoral authorities exclude 234 irregular tally sheets. The Electoral Tribunal took the recommendations of the Mission of Experts into account and, at the challenging of results phase, ruled that Mirlande Manigat and Michel Martelly would pass to the second round.

When the second round of elections took place on March 20, 2011, a considerable improvement was noticeable. The defusing of political tensions also contributed to a peaceful second round. The provisional results of the legislative and presidential elections were published on April 20, 2011, without triggering any adverse reactions. Nevertheless, at the challenging of results phase, there were accusations of corruption that culminated in questioning of the results for 17 seats in the house of representatives and for 2 in the Senate. To solve this new crisis, the Executive asked the Joint Electoral Observation Mission to review the decisions of the Electoral Tribunal and make recommendations. The Mission recommended keeping to the preliminary results in all the cases analyzed. Subsequently, the electoral authorities decided to set up a Special Tribunal, which decided to keep to the preliminary results in 13 of the 17 cases queried in respect of representatives and in the cases of the two Senate seats. The four remaining cases have not yet been resolved.



Democracy and Electoral Observation Missions

V

Article 3 of the Inter-American Democratic Charter recognizes as one of the essential elements of representative democracy the holding of periodic, free, and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people. Electoral processes, construed as a set of successive orderly stages conducted in accordance with a pre-established legal and institutional framework, constitute the legitimate mechanisms from which power derives in a democratic regime. For a government to assert its democratic origins, it must have resulted from elections; hence the symbolic, institutional, and operational significance of electoral processes.

Chapter V contains two general mandates for the Organization of American States with regard to elections: first, that it provide advisory services for strengthening and developing electoral institutions and processes, and, second, that it carry out electoral observations missions at the request of the member states concerned. In practice, these two mandates are interrelated because the recommendations made as a result of the electoral observation work serve to pinpoint the areas in which the OAS may usefully lend technical assistance to help perfect and strengthen electoral processes and institutions in member states that request it. Thus, it is worth noting that more than 60 percent of the technical cooperation missions carried out between 2007 and 2011 originated in reports prepared in connection with electoral observation missions.

a. Cooperation for strengthening electoral institutions and processes

i. Training and Exchange Programs

The Department of Electoral Cooperation and Observation (DECO) of the Secretariat for Political Affairs (SPA) organizes activities for strengthening the institutional and human capacities of electoral bodies in the Hemisphere. To that end, three Inter-American Electoral Training Seminars were held in 2008, 2009, and 2010 for 121 officials from 31 member states in the Hemisphere. The seminars stemmed from an OAS initiative developed jointly with FLACSO, Chile, the

Federal Electoral Institute of Mexico, and IDEA Internacional. Each seminar consists of a week of face-to-face training sessions at the Federal Electoral Institute of Mexico, combining vertical instruction methods with a horizontal dynamic in which participants share experiences among themselves. The idea is that participants will be able to pass on the lessons and experiences learned when they return to their places of origin.

Since 2003, DECO has organized seven **Meetings of Electoral Authorities**, attended by more than 200 presidents and members of electoral tribunals. The purpose of these meetings is to promote an effective exchange of knowledge, experience, and best practices with respect to electoral management in the region and to promote horizontal cooperation.

Three on-line courses were also conducted on preparations for elections, campaign financing, and voter registration. Those educational and training experiences were used to design a **Degree in Electoral Processes in the Americas**, the first version of which was launched on August 15, 2011, jointly with FLACSO, Chile and the Federal Electoral Institute of Mexico. For that initial version of the program, the Organization awarded scholarships to 36 staff members of electoral bodies in Latin America, including 20 women.

ii. Horizontal Cooperation Agreements

Horizontal cooperation agreements enable the OAS to facilitate the exchange among the region's electoral institutions of knowledge, experience, and best practices regarding a number of aspects of the electoral process: quality control, electronic voting, electoral organization and management, and training. Between 2001 and 2011, six agreements of that kind were concluded with the Federal Electoral Institute of Mexico (2009); the Electoral Tribunal of the Judiciary of the Mexican Federation (2009); the State Electoral Commission of Nuevo León, Mexico (2009 and

2011); the Electoral Supreme Court of Brazil (2010); the National Electoral Chamber of the Argentine Judiciary (2010); and the United States Election Assistance Commission (2010).

iii. Electoral Technical Cooperation Agreements

Between 2001 and 2011, the OAS General Secretariat signed two technical cooperation agreements with electoral bodies in the region with a view to addressing various areas and components of the electoral process so as to streamline and improve it, thereby helping to forge more robust electoral institutions. The first agreement of this type was concluded with the Electoral Supreme Court of Honduras (2009) on electoral mapping and inclusion of persons with disabilities. The second was with the National Electoral Council (CNE) of Ecuador (2011), on automated voting and vote counting in electoral processes.

In addition, within the framework of the electoral technical cooperation agreements, DECO focused on specific items: five audits of electoral rolls; one biometric registration; three quality certifications; and two advisory opinions on electoral legislation.

Audits of electoral rolls

An audit is an external and objective review mechanism that culminates with the presentation of a series of recommendations aimed at improving the electoral rolls evaluated. Such an audit ascertains the degree of reliability, transparency, screening and up-to-datedness of an electoral roll. That diagnostic assessment and the monitoring of implementation of the recommendations arising out of the audit are fundamental for holding any election, as they enhance the credibility of electoral processes and institutions.

Between 2001 and 2011, the OAS conducted audits of the electoral rolls of five countries, based on the recommendations contained in the final reports of the Electoral Observation Missions in Guatemala



(2005 and 2010), El Salvador (2007), Bolivia (2009), and Paraguay (2010).

Biometric registration

In 2009, at the request of the Government of Bolivia, the OAS observed the biometric registration process initiated by the Supreme Electoral Tribunal of that country in view of the general elections to be held in December of that year. DECO's technical cooperation focused on three components: the logistics, communications, and information technology aspects.

The successful culmination of that process resulted in an electoral register that is unique in the region in that it meets high international standards. Bolivia's electoral roll includes a digital signature, fingerprints, signature, and demographic data for each voter, such as name, age, and address. The process also led to an increase in the number of registered voters from 3,600,000 to 5,200,000, thereby extending not only the right to vote to more citizens but also the possibility of exercising that right. The use of the new

register enhanced the credibility of the electoral processes conducted in December 2009 and April 2010 in Bolivia.

Certification of the quality of electoral services (ISO Standards)

As of 2008, DECO achieved a qualitative leap forward in terms of electoral cooperation by including in its technical assistance services the possibility of providing support for ISO 9001 quality certification. ISO standards help strengthen internal capacities and processes through a quality-centered approach. Certification fosters planning, the establishment of targets and objectives, performance measurement, compliance with deadlines, and appropriate resource allocation. Certification is one of the principal tools for achieving standardization of more efficient and transparent procedures, which, in turn, strengthens and boosts the credibility of electoral institutions.



By the time this publication went to print, DECO had provided assistance with implementation of the ISO 9001 quality system in Costa Rica, Panama, and Peru.

Several electoral bodies in the region underscored the importance of having a specific international standard for the electoral sphere. At that point, and given DECO's experience and prestige in quality management, a working group was formed to draft an ISO standard specifically for electoral processes. That standard will shortly be presented to ISO Technical Committee 176.

Counseling on legislative reform of electoral processes

Based on the recommendations made in the final reports of Electoral Observation Missions, and at the request of the member states, DECO provided technical advice on electoral reform on two occasions: once, to the Supreme Electoral Tribunal of Honduras (2007), and then to the Central Electoral Board of the Dominican Republic (2010).

b. Electoral Observation

Since its first mission in 1962, the OAS has observed 177 elections in 26 member states. In the 10 years that have elapsed since the signing of the IADC in 2001, 90 missions have been carried out, compared to the 87 electoral processes observed in the 39 years between 1962 and 2001. Thus the IADC marks a turning point with respect to the importance of impartial, outside observation for guaranteeing free, fair, and transparent elections and legitimizing electoral processes and outcomes. Throughout those years, the Organization acquired experience and expertise for observing all kinds of elections: presidential, legislative and constituent, parliamentary, regional, municipal, and primary, in addition to elections to the Andean Parliament, referendums, and plebiscites. Today, the OAS Electoral Observation Missions encompass the whole of Latin America and the Caribbean, guaranteeing and certifying the legitimacy of electoral processes.

Article 24 of the IADC establishes the basic conditions for sending a mission, as well as the obligation that the missions present a report on their

activities in the course of an observation to the Permanent Council. This rendering of accounts distinguishes OAS missions from those dispatched by other international bodies, since the latter are not obliged to publish their final report.

Since May 2005, the OAS has deployed 4,298 observers (almost half of them women) from 31 member states and 23 observer countries.

i. How Electoral Observation Missions have evolved over time

The role, structure, composition, and dynamics of Electoral Observation Missions have all changed over time, reflecting internal political shifts in the countries of the region. The "first generation" of EOMs dates back to the 1960s, when they were carried out ad hoc. A "second generation" of OAS missions started with the general elections in Nicaragua in 1990. In that second phase, the Missions became more ambitious in size and scope and included analysis of various issues related to the quality of the process observed.

One key event propelling the missions toward a "third generation" was the adoption of the Inter-American Democratic Charter in 2001. In that document, the states devoted an entire chapter, Chapter V, to democracy and the Electoral Observation Missions. The "third generation" of OAS EOMs began when that Chapter was implemented. Since that milestone, the Missions are deemed to be comprehensive and long-term, and focused on the quality of electoral processes and institutions, instead of restricting observation to just the day of the elections.

Another turning point in the "third generation" of OAS Electoral Observation Missions came in 2006 with the development by the Department of Electoral Cooperation and Observation (DECO) of a first methodology for systematizing the observation of electoral processes. As an outcome of that effort, the OAS published a document entitled *Methods for Election Observation: A Manual for OAS Electoral Observation Missions* and, in 2008, the *Manual for Electoral Observation Missions of the Organization of American States*.

ii. Innovations in observation

To further advance professional quality, comprehensiveness, and sophistication in electoral observation, in 2010, DECO published its *Observing the Use of Electoral Technologies: A Manual for OAS Electoral Observation Missions*. DECO also crafted a **methodology for observing the role of the media during elections**. Currently nearing completion is a Methodology for Incorporating a Gender Perspective in Electoral Observation Missions. [See Chapter VI, Section c.: Equal and Full Participation by Women in Political Structures]. Finally, one of the Department's most recent initiatives is the development of a methodology for comprehensive observation of the various facets of **political-electoral financing systems** in effect in the countries of the region [See Chapter I, Section c. Strengthening Parties and Other Political Organizations. Electoral Campaigns and Financing Systems].



Promoting a Democratic Culture

VI

The last chapter of the Inter-American Democratic Charter is devoted to “promotion of a democratic culture,” which involves expanding the notion of democracy beyond the political system as such. In this sense, democracy is more than a set of institutions, norms, and procedures establishing the rules and channels for access to the principal positions in the State, the exercise of state power, and the public decision-making process. It also embraces society, which is composed of citizens enjoying and exercising specific political, civil, and social rights and bound by obligations: a citizenry whose attitudes, ways of life, and forms of behavior are governed not only by the rule of law but also by a series of values, symbols, beliefs, and customs with respect to power and politics that are compatible with democratic systems. By acknowledging the relation between culture and the institutional system, the Charter is a program not just for strengthening and defending the democratic order but also for promoting cultural patterns in keeping with it.

Along those lines, Article 26 of the Charter emphasizes the need to continue to carry out programs and activities designed to promote democratic principles and practices and strengthen a democratic culture in the Hemisphere. In that effort, the contributions and participation of civil society organizations are increasingly important.

In Article 27, Chapter VI also outlines two more program objectives: first to foster programs and activities designed to promote good governance, sound administration, democratic values, and the strengthening of political institutions and civil society organizations; and, second, to develop programs and activities for the education of children and youth as a means of ensuring the continuance of democratic values.

Finally, promoting the full and equal participation of women in the political structures of their countries is recognized in Article 28 as a fundamental element in the promotion and exercise of a democratic culture

a. Democratic principles and practices and the strengthening of a democratic culture (Article 26)

i. *Inter-American Program for Education on Democratic Values and Practices*

Promoting the values, principles, and practices of democracy is a long-term task requiring action by all segments of society. In 2005, in order to promote that ongoing, multisector, long-haul endeavor, the OAS established the Inter-American Program for Education on Democratic Values and Practices, coordinated by the Department of Education and Culture of the Executive Secretariat for Integral Development, in consultation with the Secretariat for Political Affairs. The Program is a hemispheric platform bringing together ministries of education, universities, civil society organizations, companies, and international organizations so that together they craft and strengthen educational strategies and policies for developing civic skills.

Under this Program, three on-line courses were started, which have trained more than 1,000 teachers and educational policy-makers in the Caribbean and in Latin America in the principles of the Inter-American Democratic Charter; in evaluation of civic education policies; and in ways of making classroom work more democratic. In 2009, the Program supported nine technical cooperation missions in 12 countries to strengthen civic education programs. A second round of missions began in August 2011.

Since 2007, the Program has also been encouraging academic research in how best to educate citizens for democracy and harmonious coexistence. To that end, it has produced six issues of the **Inter-American Journal of Education for Democracy** and three analytical reports on the status of education for citizens in the region, as well as three videos and eight on-line bulletins containing materials for developing civic skills through education.

ii. *Strengthening Democratic Values and Practices for Sustaining and Consolidating Democracy in Peru and in Latin America*

In 2006, with a view to taking the Democratic Charter beyond political and diplomatic circles and expanding its reach and implementation among the citizens of the Hemisphere, the OAS Office of Education and Culture and the Permanent Mission of the United States to the OAS launched a program called **"Strengthening Democratic Values and Practices for Sustaining and Consolidating Democracy in Peru and in Latin America."** In a second phase of this Program, starting in 2008 and carried out with the Ministry of Education in Peru and with financial support from the OAS Partnership for Development Fund (FEMCID), a virtual platform was put in place that provides training for 400 teachers in education for democratic values and practices.

iii. *Lecture Series of the Americas*

The **Lecture Series of the Americas** began in September 2004 pursuant to OAS Permanent Council resolution CP/RES. 870, as part of an effort by the member states to enrich hemispheric discussion of priority issues on the inter-American agenda. So far, 45 lectures have been delivered by political leaders, academics, and experts. More than 5,000 people have attended the lectures since they began and many more, within and outside the region, heard them via the Web

iv. *Civil Society Contributions*

Ever since the adoption of the Inter-American Democratic Charter, the OAS encouraged the participation of representatives of civil society organizations in different organs and activities of the OAS, including the General Assembly, the Permanent Council, ministerial meetings, and specialized conferences, as well as in the Summits of the Americas. Article 6 of the IADC states that "[i]t is the right and responsibility of all citizens to participate in decisions relating to their own development." (...) Promoting and fostering diverse forms of participation strengthens democracy." Furthermore, Article 26 establishes that the OAS will take into account the contributions of civil society organizations (CSOs) working in programs and activities designed to promote democratic principles and practices and strengthen a democratic culture in the Americas.

Over the past 10 years, major progress has been achieved in the region as a result of cooperation between civil society and the OAS member states. That cooperation facilitated the adoption of a hemispheric agenda in the framework of the Summits of the Americas process and within the Organization. In that same period, civil society organizations submitted 2,250 recommendations to the member states on topics addressed in the Democratic Charter, including: democratic governance, transparency, education, employment generation, sustainable development and the environment, human rights, electoral cooperation, and gender equity.

Currently, 361 organizations are registered in the OAS roster of civil society organization and take part in the day-to-day work of the Organization. In addition, more than 2,000 nongovernmental organizations work, directly or indirectly, with the political bodies and technical areas of the Organization. Of them, over 500 signed cooperation agreements, mainly to do with sustainable development, strengthening of democracy, and education.

Civil society participation in the OAS has strengthened the institutional capacity of nongovernmental organizations inasmuch as they gain more exposure and increase their impact and prominence within and beyond the region. That participation also facilitated the establishment of no fewer than 40 international CSO networks that operate inside the OAS on issues relating to democracy; anti-corruption and transparency; trafficking in persons; promotion of the rights of Afro-descendant communities; indigenous communities; sexual orientation and gender identity; and human rights defenders.

These opportunities for interaction place the OAS at the vanguard of the inter-American and United Nations system with regard to citizen participation, because the representatives of the CSOs do not just attend meetings as observers; they also influence the negotiation of resolutions and participate in their implementation and monitoring.

b. *Good governance, sound administration, democratic values, and the strengthening of political institutions and civil society organizations. Promotion of democratic values among children and youth. (Article 27)*

Programs and activities to promote good governance, sound administration, democratic values, and the strengthening of political institutions

i. *Program for Universal Civil Registry in the Americas (PUICA)*

Since 2005, the OAS has been working on initiatives for strengthening civil registries. In 2006, in response to a request by the Haitian Government, it played a key role in Haiti with the establishment of the National Registry Office (Office National de l'Identification). The work of this Office made it possible to register 3.5 million Haitian adults and to issue national identity documents. These two tasks helped develop an electoral roll and extend the right to vote and take part in the 2006 elections.

Based on the experience and successes achieved in Haiti, the Inter-American Program for Universal Civil Registry in the Americas (PUICA) was launched in 2007. This Program seeks to expand and effectively implement the universal right to civil registry of millions of people and, thereby, not only guarantee the protection of human rights but also help ensure that people can exercise their rights as citizens and have easier access to the services and benefits to which they, as citizens, are entitled. The program also furnishes states with information on their population that they need for designing and implementing development plans.

Through its activities, PUICA advises civil registry services on rationalization and modernization, including the introduction of information technology and I.T. systems for expediting processes. In Guatemala, some 5,216,728 I.D.s were checked, making it possible to clean up the National Civil Registry (RENAP). PUICA assistance led to the digitization of more than 9 million historical entries and their storage in the Civil Registry database of Paraguay.

The Program also promotes registration and awareness campaigns, especially among vulnerable groups. This contributed to the registration of nearly five million people; the training of over 800 indigenous leaders as motivators in registration campaigns in Guatemala; and to increased awareness in more than 35,000 people, especially women, children, and indigenous persons.

Finally, PUICA fosters horizontal exchange of best practices among civil registry institutions. In that sense, the Latin American Council for Civil Registration, Identification, and Vital Statistics (CLARCIEV), which has 21 members in Latin America and the Caribbean, functions as a platform promoting ongoing exchanges of experiences and facilitating knowledge transfer among civil registry institutions. Following recognition of the OAS work under PUICA, the Organization has operated as the Executive Secretariat of CLARCIEV since 2007.

One of the major projects aimed at promoting and spreading the right to identity is being carried out in Haiti. Following the 2010 earthquake, PUICA helped with pre-registration of infants in the shelters in Port-au-Prince. That resulted in the civil registration of more than 20,000 boys and girls. The National Registry office (ONI) received assistance for opening 141 permanent registry offices all over Haiti, which made it possible to register 4.8 million people. Today, 94 percent of the adult population is registered. A machine for printing I.D.s was also installed and that resulted in production of 600,000 I.D.s in 18 months: in time for the presidential and legislative elections in 2010. Birth certificates were also digitized and systematized in a database that today houses more than 10 million certificates.

In 2010, PUICA produced its *Manual on Sound Practices in Civil Registry and Diagnostic Assessment of Legal Frameworks governing Civil Registry in the Americas*. Cooperation arrangements in the field of civil registry were worked out with 15 countries in the region, as well as with various international cooperation agencies and the governments of Italy, China, and Chile.

ii. *Comprehensive Country Support Strategies for Effective Public Management*

As part of programs and activities designed to promote the good governance and sound administration alluded to in Article 27 of the Inter-American Democratic Charter, in 2010 the Department for Effective Public Management (DEPM) launched the **Comprehensive Country Support Strategy Program**. Through this Program, the OAS offers comprehensive technical assistance to member states that request it in order to support effective and transparent public management

based on their National Development Plan. Programs of this kind are currently under way in Bolivia, Paraguay, and El Salvador. In 2012, three more programs are scheduled to come on stream in the Caribbean, starting with one in Belize.

iii. Online Campus of the Department for Effective Public Management

Since 2003, the Online Campus has been offering a portfolio of 21 online courses on public management, including: e-government; land registry; the legislature; transparency and access to public information; decentralization and local governments. So far, more than 5,000 participants in 28 member states have received training.

iv. Support for the Legislative Branch

The Democratic Charter may be regarded as a manifesto for representative democracy, which it establishes as the one form of government shared by all the peoples of the Americas. In a democratic political system with the characteristics stipulated in the Charter, the Legislature is one of the bodies, par excellence, in which citizen representation materializes. At the same time, Article 27 of the IADC calls for programs and activities that will strengthen political institutions. That strengthening is, in turn, vital for consolidating one of the essential components of representative democracy listed in Article 3 of the Democratic Charter: the separation of powers and independence of the branches of government. The effective exercise of that component is essential for a republican institutional system. Democracy and a republican system are mutually reinforcing. The Republic is one of the central pillars allowing democracy to thrive and be consolidated. And for republican institutions to be an intrinsic part of democracy there has to be a Legislative Branch with its own independent political, technical, and financial status.

Shortly after adoption of the Inter-American Democratic Charter (IADC) and inspired by it, the OAS established its Program to Support the Strengthening of Legislative Institutions (PAFIL). Over the 10 years that have elapsed since then, PAFIL became what is now known as the **Support to Legislative Institutions** Section in the Department for Effective Public Management of the OAS Secretariat for Political Affairs. Through that Section, the OAS works with numerous national and local legislatures and with regional Parliaments to promote political dialogue; education and training for officials; the strengthening and modernization of legislative management; and inter-parliamentary cooperation.

Programs and activities for the education of children and youth as a means of ensuring the continuance of democratic values

i. Inter-American Public and Political Leadership Network (RIALLP)

Article 27 of the Inter-American Democratic Charter also underscores the importance of developing programs and activities for the education of children and youth as a means of ensuring the continuance of democratic values, including liberty and social justice. This approach, supported by the IADC, is geared to consolidating certain practices and principles in emerging generations that are fundamental for generating a democratic culture concomitant to and compatible with the democratic institutional order promoted and championed by the Organization. That is why, specifically pursuant to the IADC mandate, the OAS has conducted more than 50 courses in the past 10 years on democratic institutions, values, and practices for over 2,000 young leaders in all the Latin American and Caribbean countries.

Those courses generated a critical mass of former pupils and institutions making up the Inter-American Public and Political Leadership Network (RIALLP). The Network is a virtual forum for maintaining and broadening relations, continuing dialogue among participants, and promoting democratic values, principles, and practices.

ii. Emerging Political Leaders (EPL)

In 2010, the Secretariat for Political Affairs launched its Emerging Political Leaders in the Americas (EPLA) project to create a forum for dialogue among young politicians from all over the Hemisphere who are likely to become prominent in their parties and in the national politics of their respective countries. That forum also seeks to establish ongoing exchanges between the organization and emerging leaders, with two goals in mind: on the one hand, to publicize what the OAS does to a strategic audience and, on the other, to bring new opinions and ideas to bear on institutional initiatives. So far, two (2) subregional meetings have taken place, with the participation of 33 politicians.

iii. Model General Assembly of the OAS (MOAS)

The Model is an OAS General Assembly simulation program through which students from all the countries in the Americas pretend to be representatives of member states and recreate negotiation processes and quests for points of consensus aimed at drafting resolutions on pertinent issues on the inter-American agenda. It is designed to promote democratic values among the youth of the Hemisphere, familiarize them with the work and

workings of the OAS, and afford them an opportunity to gain practical experience in multilateral diplomacy, within the framework of the principles and values set forth in the IADC.

The first MOAS was held in Washington, D.C., in 1980, and spread, as of 2000, to countries in the region that organized national Models. That enabled more than 8,000 young people in the Hemisphere to participate.

c. Full and equal participation of women in political structures (Article 28).

In its last Article, the Inter-American Democratic Charter commits the OAS member states to promoting "... the full and equal participation of women in the political structures of their countries as a fundamental element in the promotion and exercise of a democratic culture." The inclusion of Article 28 may be construed as recognition of the disparity that exists in the extent and quality of participation, representation, and leadership between men and women in the democratic systems of the region and of the need to close that gap. At the hemispheric level, the discussion of democracy lacks any vision of women's citizenship and its implications for democracy. Nor does it include any thoughts as to the contributions made by feminist movements or the proactive part played by women in the recovery and expansion of democracy, in the forging of a democratic citizenry, and in the politicization of the domestic sphere.

Responding to that dearth of reflection, the Inter-American Commission of Women (CIM), together with UN Women, IDEA Internacional, the Ibero-American General Secretariat (SEGIB), and the United Nations Development Programme (UNDP) began an innovative work plan to contribute to the hemispheric debate on women by including in it a female perspective and women's experience and insight. The core objective of that inter-agency synergy is to ensure that priority is attached to the participation, representation, and leadership of women in the region's democratic processes.

This dialogue commenced officially with the **First Hemispheric Forum on Women's Leadership for a Citizens' Democracy**, held in Washington, D.C., on April 4 to 6, 2011. That Forum triggered an exchange of views among women leaders throughout the region, which led to the publication of *La democracia de ciudadanía: visiones y debates desde*

los derechos de las mujeres de las Américas [A Citizens' Democracy: Insights and Debates based on the Rights of the Women of the Americas] That publication provides guidelines for constructing a benchmark analytical framework on women's rights in a citizens' democracy.

Apart from turning the Hemispheric Forum into as formal annual event, another concrete outcome of the meeting was the establishment of a **Working Group on a Citizens' Democracy from a Women's Point of View**.

The under-representation of women in the leadership of movements, parties, and institutions is a challenge still pending for democracies in the region. To counter that defect, the CIM has launched several initiatives. In 2010, it completed a study on the implementation of quota laws in the countries of the Andean region. Marking publication of that study, entitled *Leyes de cuota: Estado del arte, buenas prácticas y desafíos pendientes en la región Andina* [Quota Laws: State of the art, best practices, and challenges still pending in the Andean region], the CIM brought together members of parliament, representatives of electoral institutions and other governmental bodies, academics, and representatives of international organizations to identify specific mechanisms for supporting women's political representation. The meeting culminated in the adoption of the **"Declaration of Lima for a Gender Equitable Democracy."**

In 2010, the CIM began the **"Capacity-Building for Leadership and for Influencing Public Policies for Gender Equality"** project. This project seeks to strengthen the capacity of professionals in governmental and nongovernmental organizations for leadership in gender equality management in public policy formulation processes in the member states. To that end, an initial training course was conducted in October 2010, while an online version was scheduled for launching in 2011 with a view to expanding outreach.

In order to eliminate under-representation of women in a number of political spheres, the Department of Electoral Cooperation and Observation (DECO) of the Secretariat for Political Affairs is working on **building a gender perspective into electoral observation methodology**. The mainstreaming of that perspective will highlight the existence of barriers to the full and equal participation of women in the countries of the region, within the specific context of an observed electoral process. That information will be useful for making recommendations to governments and to political parties, as well as for developing new technical cooperation programs aimed at increasing women's participation.

Toward Consolidation of the Collective Commitment to Democracy

The tenth anniversary of the Inter-American Democratic Charter affords a suitable opportunity to renew and deepen the commitment of the Organization of American States (OAS) to the promotion and defense of democracy.

In these last ten years, the OAS has demonstrated its capacity to avoid alterations and interruptions of the constitutional and institutional order and it has been effective in solving the political crises it was called upon to address. Likewise, the experience and expertise acquired by the OAS with electoral observation have become a rubber stamp for testifying to transparent and free elections. Furthermore, the cooperation agreements between the OAS General Secretariat and the member states in a number of fields (electoral, public administration, and so on) have helped to strengthen the democratic institutional order. Along those same lines, using the multilateral forum and based on horizontal cooperation, progress has also been made in the fight against corruption. Finally, with respect to the consolidation of democracy, no one can question the prestige and achievements of the IACHR in the promotion and defense of human rights.

However, it is also necessary to acknowledge that in that same lapse of time the region underwent significant change. The progress made with poverty reduction, greater inclusion, and citizen participation in the forging of democracy is undeniable. Those who were once excluded are today, in several countries, leaders in their societies. As a result of that progress, support for democracy increased. Nevertheless, in some cases, the democratic institutional order and the rule of law were debilitated, while inequality is still rampant all over the region.

At the same time, the regional consensus that made it possible for member states to adopt the IADC in 2001 apparently no longer exists. Disagreement is voiced, on the one hand, regarding limits to the exer-

cise of power and about what is considered to be democratic exercise of power and, on the other, regarding the role of the Organization in the collective defense of democracy. The permanent tension generated by diverging views on these two aspects undoubtedly impairs implementation of the Charter's provisions and, consequently, the ability of the Organization to contribute to the defense and consolidation of democracy in the region.

Despite the achievements and progress, there is a long road still ahead in this interminable, ongoing process of consolidation, especially given the multiple challenges facing democracies in the Hemisphere. That is why it is essential to direct national and multilateral efforts toward strengthening the pillars on which the Democratic Charter is built, interpreting the Charter as, in the Secretary General's words, "the Program of the Democratic Republic." Hence the importance of the separation and balance of powers, the democratic rule of law, an independent judiciary; restrictions on the exercise of power, the credibility of political parties and organizations, the current effectiveness and activation of vertical control mechanisms, and accountability.

Furthermore, in order to guarantee the sustainability of democracy, it is necessary to focus on strengthening the State as such and on the effectiveness of public administration. Given the ongoing prevalence of structural problems, including insecurity, poverty, inequality, and citizens' demands for greater opportunities, democracies and their governments are duty-bound to provide answers. This aspect of democracy, namely the purpose of the democratic exercise of power and the outcomes of that exercise, affects the level of credibility, support for, and satisfaction with democracy. It is when people perceive a change for the better in their lives and the opportunities open to them abound that democracy takes on meaning and relevance and citizenship becomes not regulatory but real.

The Inter-American Democratic Charter provides an ideal framework for the OAS to use its multilateral status and cooperation to assist member states in their individual and regional initiatives to promote and consolidate the essential components of representative democracy and the fundamental components of the democratic exercise of power. In addition, the fact that an inter-American instrument such as the Democratic Charter is in force increases the Organization's ability to defend the continuity of those elements and components in the face of threats that could place the democratic political-institutional process or the legitimate exercise of power at risk.

As regards the first "pillar" of the IADC, mention has been made in several forums of the possibility of devising a peer review instrument to evaluate and provide an objective, periodic evaluation of the status of democracies in the Hemisphere based on the different components and functions listed in the IADC. Activating the mechanism would be voluntary for the countries that decide to submit to the evaluation process. This monitoring and evaluation process has at least four advantages:

First, by linking the mechanism directly to the contents of the IADC, it would dispel suspicions of intervention associated with an attempt to "evaluate democracy" in general.

Second, it would facilitate identification of shortcomings and of elements and areas that need strengthening.

Third, it would favor international and horizontal cooperation, rather than imposition, denunciation, or sanctions, as the way to address the shortcomings detected, correct mistakes, and close gaps.

Fourth, it would allow civil society participation, like that already taking place in the Organization on matters relating to human rights, gender, indigenous peoples, Afro-descendants, and efforts to combat corruption.

With regard to the second pillar of the IADC, namely the defense of democracy, a number of proposals have been put forward to improve implementation of Chapter IV by striking a balance between collective defense actions and the principle of nonintervention and non-interference. These proposals include:

First, extending the possibility of invoking the IADC to other branches of government, and not just the Executive, particularly with respect to the possibility of invoking some articles of Chapter IV. This could be done by adopting a broad definition of government and clearly establishing the appropriate channels for access to IADC options, so as to avoid institutional disorder. In intergovernmental organizations, like the OAS, states are represented by ambassadors, appointed by presidents and prime ministers.

Second, explicitly and more precisely defining what situations constitute serious alterations of the constitutional and institutional order. This could be attained by means of a formal political consensus reflected in a General Assembly resolution. The forging of that consensus could draw on several contributions, such as those of the Inter-American Juridical Committee and outside bodies.

Third, promoting a gradual approach in the modus operandi of the General Secretariat and the Permanent Council, particularly since the OAS is a multilateral organization operating on the basis of areas of consensus built among 34 active member states. In the end, what is needed is a range of tools, processes, and initiatives compatible with the preventive and crisis-solving role of the Organization when it comes to implementing Chapter IV of the Democratic Charter. In this line of thought it is essential to grant the Secretary General more political room for maneuver and flexibility, as well as to



strengthen his capacity to offer assistance, in a preventive capacity, to member states in averting emerging political-institutional crises. Those capacities would include, *inter alia*, monitoring, technical and analytical support, deployment of special representatives or missions, and activating negotiation and dialogue processes with a view to reaching political agreements, in connection with which he would report to the Permanent Council on initiatives, measures, and outcomes achieved.

Consolidating the ongoing relevance of the Inter-American Democratic Charter and enhancing its effective implementation are essential for the credibility of the Organization of American States, which today is questioned from at least two standpoints: at one extreme, by those nostalgic for anachronistic practices that violate international law; at the other, those who would like to condemn the Organization to irrelevance. In the middle is a large majority advocating an OAS attuned to a changing world and not moored in the past; that supports and promotes a comprehensive, integral vision of democracy, making the most of the Organization's multilateral resources and honoring the collective commitment the member states have undertaken but without interventions or interferences contrary to the principles of the Inter-American System: an OAS that helps the governments in the region to transform the right to democracy into a daily reality for the citizens of the Americas.

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