I. DEMOCRACY
Resolution 1080, the “Santiago Commitment,” and the Defense of Democracy over the past 10 years

As everybody knows, one of the essential purposes of the OAS is to promote and consolidate representative democracy. We mentioned earlier how that, possibly chief, function of the Organization was overshadowed by Cold War issues and how neither that purpose nor that of strengthening peace and security, were properly addressed until the fall of the Berlin Wall.

The first clear signs that a new order would emerge in the Hemisphere were resolution 1080, “Representative Democracy” and “The Santiago Commitment to Democracy and the Renewal of the Inter-American System,” adopted by the OAS General Assembly at its twenty-first regular session in 1991, which undoubt edly proved to be an effective buffer against a resumption of military dictatorships.

The resolution charted a new course for inter-American relations based on cooperation, mutual respect, and democratic solidarity, thereby cementing a doctrine whose first stone was laid by the Protocol of Cartagena de Indias in 1985. It incorporated the notion of representative democracy to the Charter of the Organization of American States and made the promotion and defense of it one of the essential purposes of the OAS.

Resolution 1080 instructed the Secretary General of the Organization to call for the immediate convocation of a meeting of the Permanent Council or of the General Assembly in the event of any occurrences giving rise to the sudden or irregular interruption “of the democratic political institutional process or of the legitimate exercise of power by [a] democratically elected government” and to take actions within the framework of the Organization.

Before I entered the Organization, the procedure had been invoked three times in response to events in Haiti in 1991, Peru in 1992, and Guatemala in 1993.

In the case of Haiti, it was applied as a result of the coup d’état in September 1991. Three days after that coup, the min is ters of foreign affairs of the member states met in Washington and decided to recognize the government of President Aristide as the only legitimate government of Haiti. They called for his immediate restoration and full respect for the rule of law. From then on, over the next three years increasing diplomatic, political, economic, and military pressure was brought to bear, in coordination with the United Nations Security Council, culminating with the return to power of the government of President Aristide.

It is worth pointing out that Haiti was a turning point for three specific reasons. First, never before had the OAS acted to defend democracy and the constitutional order of a member state for objective reasons agreed upon by all its members, with out the distortions of the clash between Cold War ideologies.

Second, the Haiti case made it clear that the member states of the OAS recognized that the United Nations Security Council had a monopoly over the use of force. There was no debate in the Hemisphere about this at that time, particularly since our Charter refers only to peaceful and diplomatic means of settling disputes.
Third, Haiti showed that the United Nations and the OAS were able to cooperate effectively. Up until the moment when the Security Council agreed to establish a multinational force, the United Nations backed the diplomatic and political moves undertaken by the OAS.

The defense and strengthening of democracy thus became our chief objective. Throughout the decade an American doctrine emerged of solidarity with democracy, directed against any threat, of any denomination or ideology, to interrupt a country’s institutional and democratic process. And that doctrine began to be implemented, triggering a series of diplomatic and coercive measures, based on international agreements and instruments fully accepted by the member states.

The threat of coups d’état waned but was still palpable in the 1990s. However, democratically elected authoritarian leaders began to emerge and to impose a serious threat to democracy. In 1992, Alberto Fujimori, President of Peru, staged a “self-coup,” citing the need to combat subversion as a pretext. Resolution 1080 was invoked in this case in the Permanent Council in April 1992, when President Fujimori closed down Congress and Peru’s highest judicial bodies. The political organs of the OAS strove to repair the damage and restore democracy via the election of a Constituent Assembly. The OAS opposed Fujimori’s misuse of power, but did not exert enough pressure to induce him to suspend his authoritarian acts and failed to follow up on the decisions it took in that respect at its General Assembly in The Bahamas.

In Guatemala, in May 1993, the OAS applied resolution 1080 for similar reasons: the suspension of Congress and dismissal of the highest judicial authorities. In the Guatemalan case, application of the resolution led to the President of the Republic, Jorge Serrano Elías, being forced to resign.

It must be said, however, that when resolution 1080 was adopted in Santiago, nobody had foreseen that the main challenges to democracy in this period would come from authoritarian leaders of this ilk.

Later on, in 1996, General Lino Oviedo attempted to stage a coup d’état in the form of a military uprising against the Constitutional Government of President Juan Carlos Wasmosy of Paraguay, designed to usurp presidential power. The crisis began when President Wasmosy ordered General Oviedo to step down as Commander-in-Chief of the Army. The General’s response was to mobilize his troops and request the resignation of the President. With the citizens out on the streets surrounding President Wasmosy, the announcement of a hemispheric Meeting of Consultation of Ministers of Foreign Affairs, and my immediate presence in that country, we were able to thwart a coup d’état that had already been several hours in the making. I was able to intervene so rapidly because I was in Bolivia at the time the antidemocratic actions began. The support and good offices of the member countries of MERCOSUR, and of the government of the United States played a decisive part at that juncture.

What was new on that occasion was the immediate and joint response of the OAS, the presidents, foreign ministers, and the heads of the armed forces of the member countries of
MERCOSUR. It was that combination that prevented, in the early hours of the uprising, a resurgence of authoritarian military regimes in the Americas. Although the actions taken by the OAS, MERCOSUR, and the rest of the international community were successful, the handling of this situation revealed some of the shortcomings of resolution 1080: particularly, the fact that it provides only for reaction and not for preventive action.

Ecuador suffered two bouts of institutional crisis, the first of which resulted in the ouster of President Abdalá Bucaram in 1997. At the beginning of that year, President Bucaram enacted a set of economic measures that sparked massive protests throughout the country, demonstrations in front of Congress, and a general strike. There were also increasingly frequent accusations of corruption and of arbitrary actions detrimental to the interests of the state. The crisis worsened and in the first week of February we traveled to Ecuador at the invitation of the Government, with a view to defusing tension and opening a dialogue among all parties involved. Meanwhile, in Washington the Permanent Council met in closed session to analyze the crisis. Upon our arrival in Guayaquil, we warned that the Organization would not accept a rupture of democracy. Nevertheless, the resistance and repudiation of the Government were undeniable, making it impossible to facilitate mediation. The Ecuadorian Congress dismissed the President as being “mentally incapable” of performing his functions and replaced him with the President of the Congress, Fabián Alarcón.

There, in Ecuador, in 1997, we learned how a country’s leaders can not lose all touch with citizens and how it is essential to practice transparency and accountability. All of us are duty-bound to defend democratic principles, but those who govern have to be worthy of their posts and sensitive to the concerns of citizens.

Another crisis in Paraguay would again illustrate the importance and influence of MERCOSUR as a force for the preservation of democracy in the region. Following the assassination of Vice President Luis María Argaña, on March 23, 1999, the impeachment of President Raúl Cubas by the Chamber of Deputies, and huge demonstrations in a tense situation point ing to the involvement of General Lino Oviedo in acts of violence, the pressure brought to bear by Argentina, Brazil and Uruguay proved to be decisive in reaching a solution to the crisis by facilitating asylum for President Cubas, General Oviedo, and the Minister of Defense. Once again, resolute action by the countries of MERCOSUR insisting on observance of the “democracy clause” paved the way for a solution to a crisis that threatened to stifle Paraguay’s fledgling democracy.

Ecuador succumbed to another constitutional crisis on January 21, 2000, when indigenous demonstrators, backed by soldiers, took over the National Congress. That day I was in Paris, together with representatives of the Governments of Ecuador and Peru, two countries that had been engaged in a protracted conflict, at a meeting designed to help both countries obtain financial support for their development programs within the framework of their wide-ranging border integration agreement. From Paris, I expressed my utmost condemnation of the taking of Congress and urged those who had perpetrated this unconstitutional act to desist immediately. In Washington, the Permanent Council moved swiftly and held a special session that same day to analyze the situation.
In resolution 763, the Permanent Council strongly condemned the actions against the democratically elected Government of Ecuador and expressed its full support of President Jamil Mahuad. Contrary to the will of the inter-American community and despite the Organization’s efforts, President Mahuad found himself forced to step down by a Junta under pressure from indigenous and other social organizations and a certain indifference on the part of the Armed Forces. Fortunately, constitutional government was speedily restored under Vice President Gustavo Noboa.

Our efforts helped avoid a complete rupture of the constitutional order and to ensure that at least the democratic order of succession was followed. At a meeting held five days after President Mahuad stepped down, the Permanent Council adopted resolution 764, which condemned the circumstances that had led Mahuad to leave office and voiced support for the Noboa government’s efforts to restore stability. In particular, the Council requested the cooperation of international financial institutions and the international community in helping to con solidate the political stability of the country.

That was how, thanks to the democratic instinct of the Ecuadorian people and their leaders, and the resolute and timely response of the Hemisphere and the international community as a whole, a challenge of that magnitude was settled peacefully, while preserving the continuity of democratic institutions. The firm voice of the OAS proclaiming its rejection of any threat to the democratic stability of the region accurately conveyed the message that there was no room in the inter-American system for totalitarian regimes.

The crises and threats to democratic governance in the Hemisphere over the past 10 years—Paraguay in 1996, Ecuador in 2000, Peru in 2000, Venezuela in 2002, Bolivia in 2003 and Haiti in 2004—have tested the mettle of the institutions of the inter-American system. In none of those cases did the Hemisphere doubt for a moment where its duty lay. The Organization acted efficiently, swiftly, and appropriately at moments when democracies appeared about to collapse, and on each of those hapless occasions it took decisions to shore up institutions and preserve the rule of law in the region. At the end of this chapter, I will refer to the last three aforementioned cases and to our participation in the peace process in Colombia.

In addition to the above, preventive resolutions were adopted with respect to Guatemala in February 2001, Nicaragua in September 2002, and Peru in February 2004.

Nevertheless, some analysts rightly began to argue that resolution 1080 provided for interventions when it was too late, when a tense and risky situation had already developed into a full-blown crisis. Many, especially in academic circles, began to talk of “monitoring” and early warning mechanisms that would permit speedier, preventive rather than corrective, intervention.

In 1992, the Organization adopted another mechanism known as the Protocol of Washington, which established that “[a] Member of the Organization whose democratically constituted government has been overthrown by force may be suspended from the exercise of the right to participate in the … Councils of the Organization.” This instrument entered into force in 1997, reinforcing the contents of resolution 1080. It thus became a deterrent against
the overthrow of democratically constituted governments or else served, after such an overthrow, to generate a situation of unsustainable political and diplomatic isolation that would exert enough pressure to bring about a restoration of the institutional order.

Prior to my arrival at the OAS, post-conflict measures had already been adopted that played an important part in ceasefire, disarmament, and demobilization activities in Nicaragua and Suriname between 1989 and 1992, in addition to assistance to refugees in Nicaragua, Haiti, and Honduras between 1990 and 1995. The OAS acquired particularly valuable experience in this field in the course of three missions: the OAS/UN International Civilian Mission (ICM) and the OAS International Support and Verification Commission (CIAV/OAS) in Nicaragua; and the Special Mission to Suriname, all of which I shall discuss later in this chapter.

During this period, in the early 1990s, the OAS managed to deploy enough political and economic resources to contribute significantly to reconciliation, the creation of a democratic culture, and the strengthening of democratic institutions. Already there was talk of defending, enhancing, consolidating and deepening democracy, of expanding the scope and exercise of citizens’ rights, and of bolstering protection of fundamental rights. This is perhaps the area in which the OAS has done most to boost its impact. This aspect is addressed in the Chapter on the peaceful settlement of disputes.

Nevertheless, these ideas were opposed by radical defenders of the principles of the Charter who viewed resolution 1080 as a kind of threat, since for them application of the principles of non-intervention, respect for sovereignty, and self-determination was paramount. At first it was asserted that, with out prejudice to efforts to defend democratic principles, it was clear that each people and each state should shape its own destiny in a sovereign manner and in accordance with its particular historical circumstances. At the same time, it was becoming increasingly clear that we shared ideals and values with regard to democracy and the observance of human rights, the essence of which also commanded respect.

In practice, that effort to reconcile the principles extolled in the Charter with those contained in resolution 1080 gave rise to a theory of solidarity with democracy through peaceful and democratic means, designed with OAS Charter as a frame of reference.

Perhaps another hallmark of the way the OAS acted throughout the 1990s was its promptness and diligence whenever democracy was seriously imperiled or when tensions arose that could lead to violence.

Each crisis taught us a little more. Our approach was formed on a case-by-case basis. There had never been pre-established rules in the OAS as to which instruments and measures should be applied in the event of a crisis so as to defend democracy threatened by a country’s democratic and constitutional order. In the midst of a crisis, striking the right balance between defense of the principle of non-intervention and the fundamental and moral obligation to protect democracy was never easy. Paradoxically, at times excessive concern to safeguard the principle of non-intervention stifles the agility and weakens the resolve needed if political and diplomatic actions are to be effective. Unwittingly, at times, before I joined the General Secretariat, we
let inaction embolden those opposed to democracy, thereby prompting others, in these and other scenarios, to opt for unilateral solutions of problems that are essentially within the remit of the OAS.

The shift taking place in the OAS reflected the explicit acknowledgement of all our governments that neither a new order nor the adaptation of institutions to meet the challenges we had to face were going to emerge spontaneously. So we embarked on the construction of institutions founded upon consensus, with the built-in checks, balances, and parameters needed to earn every country’s trust. Through out the decade, core issues, such as the fight against corruption, drug smuggling, and terrorism, and illicit arms control, gathered momentum. Our nations signed and ratified regional conventions and strategies that united them politically and judicially in the quest for shared objectives and outcomes.

By the time “A New Vision of the OAS” was written, we conceived of the Organization within a broad notion of what it meant to defend and strengthen democracy. We wrote, therefore, that it was a question of consolidating integral democracy, with a state geared toward serving the citizenry, ready to listen and equipped with appropriate tools with which to perform effectively and give account of its actions; a deliberative legislature; constitutional justice as guarantor of democratic consensus; a governing executive founded upon legitimacy derived from elections and pluralist dialogue; a revitalized party system; elections that are an effective exercise of popular sovereignty; effective democracy at the local level; rights that confer power, that is, that place in the hands of citizens a set of tools with which they can enforce their rights to dignity, liberty, and equality; oversight bodies empowered to enforce their demands; strong civil society and generalized observance of the political participation of women, indigenous groups, and minorities; and, lastly, a democracy in which channels for dialogue and the settlement of differences and consensus-building mechanisms are established. It was, without a doubt, a notion harboring a broad vision of the tasks facing us on that front.

We pointed out then that it was essential for countries to acquire strong, representative, and effective institutions rooted in the will of the majority of the people: institutions that had to be imbued with pluralism, tolerance, respect for differences, and diversity. We said it was indeed feasible to forge a more open and less unequal society; a more participatory democracy; a more efficient and responsible state; effective social policy; and a community more committed to solidarity.

Even at that early stage, we felt able to point to a significant convergence of views regarding the core elements of democracy, how to defend it from the dangers besetting it, and how to uphold human rights and public freedoms. In those years the OAS had acquired first-hand experience and skills in protecting human rights and preserving public freedoms; in the course of post-conflict activities in countries fraught with internal strife; in demining operations; and in safeguarding the holding of clean, fair, and transparent elections by staging electoral observation missions. When I arrived at the OAS, authoritarianism was waning, solutions had been found to much of the internal strife, many trade barriers were collapsing, and the pace of subregional economic integration had quickened.
As the decade progressed, major new opportunities emerged for an enriching exchange of experiences, partnership for development, and collective action on a range of issues that was expanding on an unprecedented scale. It was clear that we would need more funds, new instruments of cooperation, forums for sharing our experiences, and solid intellectual, academic, and research center support.

The Unit for the Promotion of Democracy

The OAS has stepped up its commitment to supporting and strengthening democratic institutions. The Unit for the Promotion of Democracy (UPD) was created in 1990 for the basic purpose of providing advisory services and direct technical assistance to member states in strengthening their political institutions and consolidating democratic praxis. Nevertheless, when I took over as Secretary General, the Unit still lacked the institutional capacity needed to fulfill the tasks entrusted to it. In the early years, the Unit’s activities revolved basically around electoral monitoring. Work also focused on supporting legislative institutions and certain educational activities, and support has been given to certain research projects. The UPD then began to engage in activities related to political dialogue on democracy and it has gradually come to exercise greater leadership on key issues on the inter-American agenda, as we proposed in “A New Vision” and as we shall describe below.

At the First Summit of the Americas, held in Miami, the heads of state and government explicitly mentioned the Unit and pointed specifically to the need to strengthen it, to enable it, “at the request of the interested state,” to provide assistance on such matters as legislative and judicial processes, government reforms (including administration of justice, technical modernization of national legislative bodies, simplification of government regulations, and promotion of participation by community organizations in local democracy), and other institutional changes.

In “A New Vision” we envisaged the UPD going beyond the mandate conferred on it by the Miami Summit and we designed a veritable navigational chart in the quest for a more robust democracy with four major areas governed by two basic criteria: specialization and complementarity. The decision was taken then to emphasize the strengthening of democratic institutions and processes. Services would be provided in connection with constitutional change, the various areas of governance, state reform and modernization, national reconciliation, democratic education, civic participation, the strengthening of electoral institutions and processes, studies of democracy and information, and promotion of dialogue.

The Unit has striven to give priority to the activities in which it plays a major role and has the greatest impact. It has also come to place increasing emphasis on creating forums for key players in democracy and on encouraging the institution of those mechanisms for dialogue. “A New Vision” also provided for civil society participation in those processes, as well as inter-institutional cooperation between the different branches of government to facilitate the pursuit of those goals.

The work of the Unit has been guided by a methodology focusing more on program areas (issues) than on regions. Nevertheless, it is worth mentioning how warmly we have been
welcomed and supported in the Caribbean. The uniqueness and importance of the Caribbean constitute a major challenge for the Organization, since its history and institutions require a different approach and treatment from that accorded the rest of the region. A good example of this difference can be seen with respect to decentralization, because, given the size of many of the islands, the main concern there is not on the transfer of powers but rather how to improve the management capacity of local governments. In keeping with that approach, and with the support of the Government of Saint Vincent and the Grenadines, a seminar on local government in small states was held in April 2003. It served to pinpoint the particular challenges posed by the Caribbean in this field and to generate recommendations as to how to enhance local government capability.

Valuable work has also been done with regard to strengthening civil and electoral regimes. Here, too, there are marked differences from electoral bodies in the rest of the Hemisphere. The Caribbean states have been requesting technical assistance in electoral matters since 1998, since when there have been actions undertaken in Belize, Saint Lucia, Saint Vincent and the Grenadines, Grenada, and Saint Kitts and Nevis. Those projects served above all to improve I.D. issuance mechanisms and involved a comparative study of the laws governing registry offices.

Nor should we omit mention of the work done on constitutional reform in the Caribbean. In January 2002, we held a meeting on this subject, which highlighted the principal challenges facing the region. At that meeting, in the University of the West Indies, I pointed to a characteristic feature of the way we work, which is openness to dialogue as the best mechanism for getting ahead, and the absence of preconceived notions at the Organization. The conclusions of that meeting still guide our actions with respect to the Caribbean.

Finally, I should like to point out that the states of the Caribbean region have also received electoral observation missions, which constitute the UPD’s most important contribution, as I illustrate below. Over the past ten years, missions of that kind were conducted in Suriname in 1996 and 2000, Guyana in 1997 and 2001, Saint Vincent and the Grenadines in 2001, and Grenada in 2003.

At the same time, I should like to underscore the enormous amount of work that the UPD has put into democratizing and promoting the Inter-American Democratic Charter, including the start of a national seminars program, in coordination with the ministries of foreign affairs, aimed at deepening familiarity with the Charter and other components of the inter-American democratic agenda.

It is also important to draw attention to the work being done in the Organization, with UPD support, to define an Agenda for Democratic Governance in the Americas. The Permanent Council of the OAS referred analysis of this topic to its Working Group on Representative Democracy, which, in April 2001, produced the report entitled “Constitutional Shortcomings and Democratic Governance.” The General Assembly then considered this matter extensively in Barbados in 2002, and again in Santiago, Chile, in 2003. The upshot of those deliberations was the adoption of resolution 1960, “Program for Democratic Governance in the Americas.” Pursuant to the mandate contained in that resolution, the Permanent Council
has been preparing a proposed program of that nature, with the help of the UDP, and general guidelines for it have already been approved.

I shall now refer to some of the principal actions undertaken by the OAS General Secretariat, through the UPD, over the past ten years, after briefly mentioning several developments that were already under way at the start of that period.

*Previous post-conflict activities*

As I said at the start of this chapter, prior to my arrival at the OAS, post-conflict measures had already been adopted that played an important part in ceasefire, disarmament, and demobilization activities in Nicaragua and Suriname between 1989 and 1992, in addition to assistance to refugees in Nicaragua, Haiti, and Honduras between 1990 and 1995. Three experiences were particularly significant.

First comes the OAS/UN International Civilian Mission in Haiti, which I shall refer to again when dealing in greater detail with our involvement in that country. This was the first joint mission of the United Nations with a regional organization and it set a unique precedent for this kind of action. The Mission’s original mandate was to protect fundamental human rights, such as the right to life, physical integrity, and security of every individual. After the restoration of the constitutional order and reinstatement of President Aristide, the mandate was broadened to include active promotion of the consolidation of democracy and the strengthening of democratic institutions. The Mission initially focused on human rights and technical assistance in strengthening the police and the judiciary. Later on, dispute settlement issues were included, which involved training activities with the police and local population groups.

Then there was the OAS International Support and Verification Commission (CIAV/OAS) in Nicaragua, which I shall now address and which made a decisive contribution to protection of human rights, national reconciliation, and full implementation of the peace agreements.

Third came the Special Mission to Suriname, which began in 1992, in the wake of that country’s civil war. It performed key functions in the form of technical support for electoral institutions; counseling of indigenous community associations; the preparation of specialized demographic, natural resource, and environmental studies; and other aspects of institution building.

*Prevention and settlement of conflicts in Central America*

Few regions in the world suffered Cold War conflicts as intensely as Central America. In no other region of America did inequality and backwardness sow the seeds of such bitter confrontation as that expressed in numerous clashes in Central America. Those conflicts and their appalling sequel of violence meant that democracy matured there at a slower pace, gradually forming more pluralist and tolerant societies, steeped in awareness of the
importance of greater citizen participation, and with a clearer appreciation of consensus and the art of building it, of dialogue and reconciliation as core ingredients of political life.

The UPD has become skilled at preventing and resolving conflicts and has put those skills to the test. Its most arduous work in that field was accomplished in Central America, where we received exceptionally ample support from both OAS member states and permanent observers, who took part in numerous humanitarian and democratic initiatives.

I mention below some of the actions carried out by the OAS in recent years in Nicaragua and Guatemala, that, inter alia, have helped to create the conditions and processes needed for the transition from a culture of confrontation to one of dialogue, reconciliation, and the peaceful settlement of disputes.

- Nicaragua

In 1989, Nicaragua was a country that had been torn apart. Many years of armed conflict had rent the social fabric. Society was polarized, after years in which political conflicts had been settled by force of arms. Nicaraguan families were divided and the economy was in disarray.

From then on, in an atmosphere in which some were skeptical, others totally disbeliefing, and only a few resolutely optimistic, a path was opened down which the people of Nicaragua began a long march toward the reconstruction of society and reconciliation. Significant progress was made in the quest for pacification and genuine reconciliation. Orchestrated armed conflict ceased to be the preferred method of settling political scores. The Army and National Police were downsized and trained. Major headway was made in stabilizing the economy. In the same vein, which was no mean feat, one democratic government handed over power to another, legitimately elected and constituted government.

I would like to underscore the commendable efforts made by the Government of Violeta Barrios de Chamorro to reach the disarmament agreements rebel groups holding out in Central and Northern Nicaragua, thereby putting an end to a long-drawn-out and complex pacification process, and, at the same time, to pave the way for the effective incorporation of former combatants into civilian life.

One note of optimism worth holding on to is that the challenges Nicaragua faced at the end of the twentieth and beginning of the twenty-first century are similar to those facing other countries in the region. Modernization of the state, the decentralization of state powers, the integration of our economies in international markets, the streamlining of the judiciary, the need to reconcile economic growth with social development, the decision to conserve natural resources, and policies to combat drug trafficking, terrorism, and corruption—all these constitute the common agenda of the Americas, issues that increasingly transcend the geographical boundaries of our nations.

The International Support and Verification Commission (CIAV/OAS) of the Organization of American States was the product of an agreement signed by the Presidents of Central America at a meeting in Tela, Honduras, in August 1989. The Commission’s initial mandate included support for the demobilization, repatriation, and voluntary resettlement of
members of the Nicaraguan Resistance and their families and safeguarding the full exercise of their fundamental rights and freedoms.

This support task entailed the demobilization of over 22,000 Nicaraguan Resistance combatants; the repatriation of 18,000 of their family members; medical care for 2,000 wounded; and humanitarian assistance in the form of transporation of their communities of origin, food, and clothing for over 120,000 people.

During the first years of the transition from war to peace, the hurdles that Nicaraguans had to overcome were huge. The dynamics of the post-war period oscillated between progress with respect to reintegration into civilian life, reconciliation, and former combatants’ reunification with their families, on the one hand, and subsequent outbreaks of violence caused by political animosity. This instability began to threaten the pacification process.

Toward the end of 1990, regroupings of former combatants of the Nicaraguan Resistance began to surface. Depending on their political affiliation, they were known as “Recontras” and “Recombas.” At that juncture, the CIAV/OAS acted as mediator until over 30 agreements were finally signed, resulting in the demobilization of over 20,000 “re-armed” fighters.

On September 16, 1992, the President of the Republic invited us, together with Cardinal Miguel Obando y Bravo and representatives of the Government to form the so-called Tripartite Commission. That Commission analyzed 83 cases and made 181 recommendations, to be followed up on by the Nicaraguan judiciary. The Commission also prepared a document that served as the basis for the reform of military criminal law enacted by the National Assembly in 1995.

In June 1993, during the OAS General Assembly in Managua, at the behest of the Government of Nicaragua, the mandate to verify the exercise of rights and guarantees was extended to include all segments of the population affected by the aftermath of the conflict, regardless of sector. The new mandate also included CIAV/OAS participation in programs pursued by the National Government with a view to strengthening institutions and continuing the reintegration of segments of the population into society in the post-war period.

Within this framework, the CIAV/OAS worked with National Government bodies, municipal institutions, and nongovernmental organizations to support self-help construction of thousands of low-cost homes and various kinds of social infrastructure works: schools, health posts, and safe water facilities in a series of communities. It also supported family subsistence farming on thousands of plots sown with basic grains and non-traditional produce.

In 1994, the CIAV.OAS Mission helped in the negotiations and subsequent demobilization and reintegration into society of 450 members of the armed group known as the Frente Norte (Northern Front) 3-80, while at the same time supporting efforts by the Nicaraguan authorities to implement various reintegration projects located in the Department of Nueva Segovia.

At the OAS General Assembly in Haiti in 1995, it was agreed to begin arranging for a gradual transfer of the CIAV mandate to government and nongovernmental bodies in Nicaragua.
big challenge at that point was how to orchestrate the withdrawal of an international mission without leaving institutional voids, given that the scenarios in which the transfer of functions was to take place were the so-called “post war” zones, consisting, for the most part, of geographically remote, disenfranchised, and conflict-ridden areas.

A strategy for completing CIAV/OAS activities was worked out, which involved boosting the ability of local entities to help maintain stability and pursue reconciliation. CIAV/OAS supported the establishment of 96 peace and justice committees: independent civilian groups formed to encourage the participation of civil society in the promotion and protection of human rights and the peaceful settlement of disputes in the areas of greatest tension. They engaged over 3,500 human rights promoters in those zones.

The culmination of the work of the CIAV Mission did not signify the end of the OAS commitment to Nicaragua. Thus, a technical cooperation program was developed, with Swedish and U.S. government support, comprised of the following components.

- Technical assistance to national authorities with respect to human rights and peaceful settlement of disputes.
- Counseling and support for national and municipal government authorities, in their activities in rural post war zones.
- Support and technical assistance for the programs designed to re incorporate into society segments of the population hard-hit by the conflict.
- Education for democracy and peace in Nicaragua.

• Guatemala

In 1996, following the signing of peace agreements, we established a Special Program of Support for Guatemala. In consultation with the Government, we combined already existing programs in the fields of democratic institution building, conflict resolution, and education for democracy and we added demining and the reincorporation into society of persons involved in the armed conflict. In September we signed an agreement between the General Secretariat and the Government, establishing the “Special Program of OAS Support for Democratic Consolidation, Peace, Reconstruction, and Reconciliation in Guatemala.”

This program had four components: Culture of Dialogue: Development of Resources for Peacebuilding (PROPAZ); the Training Program in Democratic Values and Political Management; the Technical Assistance Program for the Supreme Electoral Tribunal; and the Assistance Program for Demining and Destruction of Explosive Artifacts. We also conducted electoral observation missions in Guatemala for the presidential elections of 1995, 1999, and 2003, as well as for the referendum on constitutional reforms of 1999.

At its thirty-first regular session in 2001, the OAS General Assembly adopted resolution AG/RES. 1820, “OAS Special Program of Support for Strengthening Democratic Institutions in Guatemala,” which led to the renewal of the commitments reached between the General Secretariat and the Government of Guatemala in August of that year.
In addition, in response to a request by the Advisory Group on Guatemala (made also to the United Nations) to support dialogue and exchanges related to the topics on the agendas of the peace agreements, the General Secretariat established a coordination unit in 2003 and, together with the United Nations and the Secretariat for Strategic Analysis (SAE) of the Office of the President of the Republic, promoted and sponsored the inter-sectoral forums for dialogue (“Mesas Intersectoriales de Diálogo”). Those forums became new points of contact between society and the state and paved the way for constructive analysis of some of the main, critical issues in the Peace Agreements. That was how headway was made in areas such as the culture of peace and reconciliation; indigenous peoples; consultation over defense policy; rural development; justice, security, and human rights; and economic development.

- Tasks still pending in Central America

Despite the progress made, much remains to be done in Central America to forge states that can guarantee each and every inhabitant his or her fundamental rights, especially with respect to safe guards for social rights and the provision of public services in security, justice, health, education, recreation, water, basic sanitation, and a healthy environment. In Guatemala, major challenges remain in respect of human rights, partly as a legacy of the civil war.

In other words, the marked improvement in the political and economic spheres has given Central America a new agenda, with some new priorities: sustainable development, an improvement in the distribution of income, progress toward free trade, and the strengthening of the democratic state.

**Political parties, congresses, and electoral campaign financing**

The UPD has understood its chief function to be assisting the efforts by countries to hold fair, free, transparent, and periodic elections, in which candidates compete on an equal basis for voters’ support and in which the electorate is guaranteed the exercise of its right to vote. The Unit has paid particular attention to developing a methodology for improving political parties and their performance in our democracies.

The UPD also strives to ensure that parties have access to the finest available human and technical resources to enable them to meet the new challenges and to ensure that citizens’ aspirations are expressed more effectively.

As of 1994, it helped to organize assistance and training programs for legislators, meetings of electoral authorities, forums for members of parliament, as well as technical assistance programs for legislative bodies in several countries of the region. The sharing of experience in this field and the meetings of parliaments led, as a result of a Canadian initiative, to the establishment of the Interparliamentary Forum of the Americas (FIPA).

More recently, in response to a mandate of the Summit of the Americas held in Quebec City, Canada, reiterated in the Declaration of Nuevo León, the Unit has championed the need to focus on the modernization of political parties as key players in the democratic process.
Through the Inter-American Forum on Political Parties, the Unit has brought together parties, international confederations, international cooperation agencies, electoral authorities, academic institutions, and civil society, in order to forge strategies for strengthening parties.

The fact is: throughout the past ten years our political systems have had to face numerous challenges triggered by globalization and severe bouts of capital flight. Millions of citizens, in every walk of life, feel vulnerable, threatened by forces they perceive to be out of control, that bring them economic insecurity, social uncertainty, class conflict, and environmental degradation. This has brought enormous pressure to bear on our parties and political systems.

Undoubtedly, the chief task of our political parties has been to work effectively to ensure a better future for all those who live outside the market economy, those who live in extreme poverty, the malnourished, the indigenous, the illiterate, the elderly, the most vulnerable segments of society.

Over and above the immense challenges posed by economic globalization, the phenomena associated with political globalization have also sorely tested our democracies. As we shall note below, political globalization has generated a worldwide awareness seeking social justice and the defense of all citizens’ rights. That awareness has highlighted the shortcomings, weaknesses, and defects of our political systems and parties much more acutely and promptly than the economic pitfalls. Immediately, these revelations have translated into a wave of disapproval for our political systems and parties.

Democracy has also had to contend with the legacy of the previous economic model, the greatest inequality anywhere in the world, and in some countries with even greater poverty as a result of abrupt adjustment, the marked decline in per capita income, or deficient educational systems. Democracy undeniably has to live with the shortcomings of economic or social policy, just as it has to shoulder the burden of unease and tension that has accompanied the intense process of economic, social, and political change over the past decade.

The UPD has set itself the task of reviewing all experiences to date to draw from them lessons that may strengthen democracies in the Americas and their political parties. The Inter-American Forum on Political Parties has prompted, over the past two years, an in-depth and frank exchange of views on this subject among leading players in the world of politics, international organizations, academia, and civil society. Our idea is to construct an Inter-American Agenda for the Modernization and Reform of Political Parties.

This is an important issue in Latin America, among other things because so much emphasis has been placed in the past ten years on strengthening civil society, transparency, accountability, and the fight against corruption, while political parties have been blamed for everything. One of the illusions created in the process was that democracy could be boosted in the Americas by ignoring, or simply by attacking political parties. Time has shown how unfortunate that approach was.

We need to take a new look at the institutional framework in which political parties operate. If we want to have strong parties, we need legal frameworks that enable them to perform not just
as electoral machines but as instruments for strengthening democracy, whether in power or as the opposition. This presupposes at least a modicum of public funding to cover the maintenance of a solid party apparatus and to allow parties to perform their most rudimentary functions of keeping their members informed and training their leaders.

A review of this institutional framework should be directed also toward strengthening guarantees for the exercise of opposition to the government and toward enhancing the capacity of political parties to perform effectively in the congresses or parliaments that are their natural scenario. The crisis affecting legislatures in our region is simply a reflection of that besetting our political parties and until the latter mend their ways it is difficult to see how congresses can over come their defects on their own. There is a dangerous downward trend in already dismal approval ratings for both congresses and political parties.

Political parties need to rediscover their vocation of preparing themselves for government. What we have been witnessing are parties, and especially candidates, using lavish amounts of personal, institutional, and economic resources to win elections. Huge sums of money are spent on consultants, advertising, and other electoral paraphernalia. Yet no money is left in the campaign chests to finance the transition or to prepare the government, nor do states place such resources at the disposal of presidents-elect.

As a result, we often find governments taking office with out much of a clue about the financial situation or the state of many public policies. Furthermore, government itself is often not exercised by the party, but by certain elites or technocratic groups, which renders political competition meaning less and exacerbate both the incredulousness of citizens and the malaise within the party apparatus.

That brings us to a topic that needs to be looked at very closely: the growing perception in Latin America of the shortcomings of presidential systems. We have seen not only the weakness of governments lacking a parliamentary majority, but also in many cases the destabilization generated by rapid political mobilization through weak institutional mechanisms. We are beginning to see, for example, how indigenous communities’ historical sense of exclusion has had devastating effects on the political system in several countries, particularly in Guatemala, Ecuador, and Bolivia.

It is essential, therefore, that the regulations governing the operations of political parties and their financing contain hard-and-fast provisions prohibiting discrimination, protecting freedom of expression and of the press, and creating an environment of tolerance, diversity, and pluralism.

It is very important to ensure that political parties respond to the needs of their constituencies. It is very dangerous when citizens have the impression that countries are governed by small elites operating in the cities. Given the pressures of globalization, from there it is just a short step to the notion that governments have ceased to be representative of the country.

For their part, political parties have to build up their own capacity to make an accurate assessment of the problems to be solved and the instruments best suited for that purpose. Parties cannot rely on second-hand information in order to take part in debate and analysis of a
country’s chief problems. Like wise, parties have to regain their ability to ful fill their basic function of recruiting and training the political leaders needed for govern ment.

Finally, parties need to be more actively in touch with the new turns globalization is taking. For that to come about, our parties and governments need to get to grips with globalization and at the same time head collectively toward deeper forms of democratic governance. We have to take stock of the trans for mations taking place in the world, to understand them and adopt strategies for dealing with them, and to streamline public and private institutions so that they can operate in the new envi ronment. Only in that way will our parties be able to articulate vast swathes of public opinion. In other words, for political parties to express national sen ti ment they have to have a thor ough grasp of every aspect of the coun try.

Our governors and politicians have to muster a new political ethos, new social policy, stronger par ties and politi cal orga nizations, and a much more resolute com mitment to fight pov erty. They also have to bol st er our edu ca tional sys tems, make our econo mies more com pe titive, and take effec tive steps to improve income dis tri bu tion.

We need strong politi cal par ties if we are to con soli date democ racy in the region and pro mote urgently needed reforms. This new generation of reforms requires and pre sup poses politi cal reform to bol st er politi cal par ties through out Amer ica. That insight inspired the found ing of the Inter- American Forum on Politi cal Par ties as well as assis tance pro jects aimed at politi cal reform and the strengthening of parties, such as the “Political Management” project under way in Gua te mala.

Also worth under scor ing is the UDP’s work in build ing lead er ship skills and a demo cratic cul ture. Thou sands of – espe cially young – lead ers have taken part in the Unit’s courses and ac tivities. The Unit’s pro gram chan nels academic re sources and modern methods into the train ing of young lead ers from politi cal par ties, the media, aca de mia, and civil soci ety. Some two hun dred con gre s sional experts, min is ters, advi sors, jour nal ists, com mu nity lead ers, and aca dem ics have assisted with these train ing activi ties, which have received sub stan tial finan cial back ing from the Inter- American Devel op ment Bank.

The Decla ra tion of Nuevo León reaffirms the region’s com mit ment to the Demo cratic Char ter and reit er ates the great value our heads of state attach to the role of politi cal par ties, when it states: “We rec og nize that politi cal plural ism and sound politi cal par ties are essen tial ele ments of democ racy. We under score the impor tance of rules to ensure the transpar ency of party finances, to pre vent corrup tion and the risk of undue influence, and to encour age a high level of electoral partic ipa tion. There fore, we will pro mote the con di tions that enable politi cal par ties to thrive, auto nom ous of govern ment control. We will encour age politi cal train ing and lead er ship de vel op ment, includ ing for women, youth, indige nous peo ple, mem bers of ethnic groups, and mar ginal ized seg ments of the popu la tion. We acknowl edge the impor tant work of the Inter- American Forum on Politi cal Par ties in ena bling politi cal par ties to share best prac tices and strengthen them selves, as well as pro moting reforms of politi cal party sys tems.”
Direct state financing of political campaigns has a salutary effect on politics, as many political leaders and academics maintain. Well-organized political parties, combined with adequate public oversight, can greatly facilitate a just and fair framework for the holding of elections. Caution is nevertheless needed in this area as parties’ demands for increasing volumes of funds may substantially increase the cost of campaigns. Some fear that governments might engage in excessive interference in the affairs of party organizations. Others fear that the parties may trigger excessive competition for scarce resources in states that can barely afford to provide essential services.

Ill-gotten gains are another grave concern in the Americas. Funding of this kind may obscure the transparency of our electoral processes and seriously undermine their credibility. Such concerns are legitimate, because if money is capable of significantly distorting electoral processes, we will not have free and transparent elections and will consequently deprive democratic systems of the legitimacy they thrive on.

With respect to financing, a proper balance needs to be struck between accountability, ceilings on individuals’ and corporate campaign contributions, level of expenditure, the reimbursement of electoral expenses, and sound oversight mechanisms. These mechanisms render it essential to have an independent and well-equipped electoral authority with power to investigate and punish.

It is easy to imagine how such funding issues lend themselves to distortions in the relations between state bureaucracies and political campaigns. At any rate, creativity is needed to avoid corruption, safeguard equal opportunity, and keep a cap on campaign costs, while maintaining the credibility and integrity of the process. Further research is also needed in this field, along the lines of the comparative study currently being produced by the Unit, in conjunction with “INTERNACIONAL IDEA”, on the 34 member states of the Organization, with a view to putting forward practical recommendations.

Much valuable work has also been done with the Carter Center, including a seminar we ran in Atlanta in March 2003, entitled “Financing Democracy: Political Parties, Campaigns, and Elections.” Ten leaders of the Council of Presidents and Prime Ministers of the Americas met on that occasion with other leaders and experts to analyze the topics of public funding, access to the media, transparency, and capacity to enforce regulations in these areas. That analysis led to a statement of principles for political financing that has become a basic reference tool on this subject.

In areas such as these, it is almost never possible to find definitive solutions, but it is possible to discover responses for particular contexts and it can prove very helpful to engage in some in-depth sharing of experience and practices. In some countries of the Hemisphere, transition to democracy has frequently entailed holding elections not just at the central government level, but at regional and district levels as well.

This kind of avalanche of elections has not always been guided by clear rules guaranteeing, among other things, transparency in campaign financing; and in some cases it has given rise
to corruption. In other cases, the rising costs of electoral campaigns have led to attempts to trade economic support for current or future decisions by the authorities.

The system may also be distorted when caps are not placed on contributions or when such ceilings are ineffective and subsequent reimbursement fails to benefit the political system in any meaningful way. In any case, it is essential to safeguard the transparency of the origin and use of public funds through formal procedures that ensure a competitive and open political framework.

There are three ways to achieve those objectives. The first is to rely on “political liability,” or what Anglo-Saxons like to call “accountability.” This is the approach that prevailed prior to the electoral campaign scandals of nearly 20 years ago. For accountability to function, there have to be solid parties, rooted in the electorate, providing the electorate with an alternative, and, above all, the opposition has to be robust as well as loyal, in order to ensure transparency and effective political oversight.

Needless to say, even in the few democracies in which such rigorous demands are met it is beginning to become apparent that accountability on its own is not enough to prevent improper influence of money on politics; nor can it foretell the enormous damage to those democracies when a corruption scandal surfaces in connection with improper financing of electoral campaigns.

The second approach, in a number of variants, has likewise been adopted by well-established democracies. It could be called the “mixed approach,” with ceilings on both the amounts that persons may contribute to a campaign and the amounts that may be spent on political recruiting activities, and, of course, a state funding component. This component may be prior—that is to say, before the date of the elections, or subsequent to that date in the form of reimbursement of electoral expenses, usually pro rata to the number of votes obtained.

For this system to function, the oversight bodies supervising compliance with the ceilings on both contributions and expenditure have to operate effectively.

The third approach, which is also in some ways a mixed approach, attaches much more importance to state funding of electoral campaigns. As the costs for the state may be considerable, few countries have adopted this approach, even though the expense is warranted by the importance of investing in democracy. For it to function, it is essential to ensure that the inflow of public funds and the use made of them are transparent, not only through formal procedures but, above all, by ensuring a competitive and open political environment.

Obviously, the principal drawback to this last approach is that it creates very close ties between the state bureaucracy and political parties, which tend to be strong in this approach and to turn into the major promoters of the electoral campaigns. For that reason, when ever there are waves of criticism of politicians and parties for malpractices with respect to financing, this system is particularly vulnerable as it may easily become the target of such criticism or even the symbol of corruption.

In any case, an effort must be made to combat corruption, guarantee a level political playing field, lower the cost of elections, and preserve the credibility and integrity of the political
system and of politics as such. This may entail adopting measures regulating access to the media and the duration of election campaigns.

There are a series of questions in connection with this agenda. How to guarantee that public financing of campaigns ensures transparency, free doms, and equity? How can such financing be properly monitored? What regulations or guidelines are required with respect to ceilings, origins of funds, and fair ness? What criteria are to be used to ensure effective oversight? How to guarantee that the outcomes of an election are not basically determined by which party has the best financing? The UPD’s work is directed toward finding answers to these queries.

Decentralization

The Quebec City Summit instructed us to support ministerial meetings designed to strengthen decentralization. The first such meeting took place in La Paz in 2001 and the second in Mexico City in September 2003. They led to the establishment of the Inter-American Network on Decentralization.

When the Inter-American Democratic Charter was issued, decentralization and greater citizen participation were seen as core components of the legitimacy and deeply rooted nature of democratic ideas among our peoples. That, in turn, is a reflection of the fact that today decentralization is one of the great transformations under way in Latin America. There are some who even place it at the center of the transformations our countries are undergoing in terms of their political development. It is a matter of creating, through political decentralization of functions and resources, more efficient and capable states, while achieving more extensive and intense participation by organized communities in decision-making at the regional and local level.

The process of actually setting decentralization processes in motion has revealed how far they can be from the theory and promises of decentralization as an ideal. Expected outcomes—in terms of efficiency, equity, and legitimacy—have not materialized in most of our countries and the path to building efficient and responsible local governments is fraught with snags and challenges, from which we all need to learn.

Among the many challenges faced in actual practice by decentralization and efforts to strengthen local governments, that which has attracted most attention, and which doubt less continues to generate most concern, has to do with the fiscal consequences. By and large, the major risk factors have been: increased government expenditure, increased subsovereign debt; and the loss of control by the government over variables that, like these, end up impairing the ability of states to exercise macroeconomic control.

There have also been decentralization processes devoid of budget transfers and in which the new functions assigned to local governments have not been accompanied by the resources needed to perform them. In such cases, the practical upshot has been processes void of any real content, in which the decentralization facade has not actually boosted the ability of local authorities to address the needs of their citizens.
The great lesson regarding this aspect of decentralization processes is that without a real transfer of resources decentralization is not in fact viable; but also that proper monitoring and supervision of the responsible use of those resources are essential if decentralization is to be sustainable.

As for the administrative aspects of decentralization, our analysis should focus on rectifying the basic flaw, which is the current dearth of the comparative and empirical information that would enable us to draw joint lessons and discern trends.

Generally speaking, it may be said that decentralization has contributed to substantial increases in utilities and social services coverage. Local entities have assisted with tasks such as expanding access to safe water and basic sanitation facilities. They have also made a less substantial, but still important, contribution to the expansion of educational and health services. In these fields, however, improving quality is a challenge still pending.

Significant progress has been made with regard to administrative efficiency and effectiveness in the provision of services. Several institutions are compiling databases deemed to have been successful in terms of innovative public management, but it is clear that replicating such experiences has been no easy task.

As is obvious, in both economic and administrative aspects, the reality of implementing decentralization has led us to see that the process is more complex than we thought. Nevertheless, it is in the political arena that decentralization has had most impact and greater repercussions on governance.

Decentralization has helped to generate checks and balances. We might even be justified in saying that, in many cases in Latin America, at least, decentralization has established a kind of mitigated form of presidential power, precisely because of the greater role and importance accorded local authorities, particularly in federal cases. Presidential rule in the region has been modified, in other words, not only thanks to the increasingly prominent part played by parliaments, but also to the heightened role of local authorities.

The increasing number of countries that have held local elections over the past two decades has meant that the regions and local governments have become the new breeding ground for leaders in the Americas. It is becoming more and more common that successful terms at the intermediate or local government level, especially in cities with considerable electoral or economic clout, are being seen as possible stepping grounds for higher positions in the state.

Decentralization has had a similarly profound impact on the dynamics of party politics in the region. Both the way parties operate and the internal workings of party organizations have been transformed by new grassroots leadership. In many cases, this process has proved painful, especially for parties used to highly centralized operations. In others, it has triggered a certain amount of anarchy, exacerbating increasingly weak party control over party leaders. In some other cases it has contributed to either the demise or the resurrection of historical parties.

A consensus may be said to exist regarding the usefulness of surrendering to the decision-making bodies closest to citizens all issues that, according to the principle of subsidiarity,
do not need to be dealt with by higher bodies. The idea behind this is that the local level is more fitting and best suited for taking into consideration the particular circumstances and specific needs of a given community. Decentralization must be accompanied by democratization, in such a way that the local officials responsible are elected by citizens directly involved in the issues.

Many will criticize and object to the manner in which decentralization processes have been carried out, local governments strengthened, or citizen participation promoted. Others may prefer to underscore the needed to deepen the process in order to ensure that the desired outcomes are in fact achieved. What is undeniable, however, is the impact these processes have had on the current configuration of states in the region. Hence the importance and relevance of the exchanges that take place in meetings sponsored by the UDP and of practical efforts to generate recommendations, such as the comparative study of political decentralization now under way in Central America.

Citizen participation

Participation is the key to legitimacy. Democracy requires active citizen participation. That is why we need to ensure that new opportunities for citizen participation are constantly being opened up, so that decisions are perceived as the source of a just compromise in which all have an equal opportunity to intervene and to be considered.

As important as the participation of civil society is the encouragement of new forms of citizen participation in public affairs. This is, without a doubt, a way of deepening and enhancing democracy, which is strengthened by being practiced, by implementation of its basic tenets of pluralism, tolerance, acceptance of diversity, the defense of public freedoms, and civil and political rights.

The development of alternative forms to give voice to citizens and open up paths to participatory democracy would undoubtedly help make the political systems of the Hemisphere broader and more sensitive. The key to long-term democratic stability will stem not just from incorporating the millions of disenfranchised citizens in the formal economy and the fruits of progress, but also from incorporating them in the culture of democracy and political decision-making processes.

Expanding the mechanisms for participation and creating new scenarios in which citizens can take an active part in decisions that affect them, breathe life into democracy and afford an opportunity for political parties to pool their thoughts with regard to an enriched and diverse political agenda.

Citizen participation is a vital ingredient in decentralization, because until communities play an active and responsible part in overseeing the provision of services, only slow progress can be expected in terms of enhancing their quality. Existing studies show that it is not enough to open up opportunities for participation: they have to be accompanied by strategies and genuine political will. Once again, instruments such as the Ministerial Conference and the High-Level Inter-American Network on Decentralization, Local Government, and Citizen
Participation are called upon to play a key part by enabling governments to share experiences that enhance their capacity to foster citizen participation processes.

Neither citizen participation in political processes, nor citizens’ influence on parties, nor the quest for strong institutions are the preserve of certain societies. In all our systems, mechanisms and initiatives are being explored and developed that promote the participation of citizens in the making of decisions that affect both democratic institutions and their daily lives.

There are, in fact, many other decisions made outside Congress, in public administration or some private sector power centers, that for some citizens may be much more important than the laws passed by their representatives in the houses of parliament. We have a much more involved and active state, driven by nonelected officials; which is one reason why it is necessary to strengthen the legitimacy of those who work in public administration through participatory decision-making processes.

That is precisely the reason why the principles of participation are not restricted to electoral policy or government decisions. They have to be taken further in order to ensure that democracy transcends to other scenarios, where major concerns for citizens may be at stake, and in order to make it clear that modern life does not neatly match the classical distinction between the private and the public spheres. In today’s world, almost all facets of private activity are regulated by the state and some private power centers make decisions that may affect many people’s daily lives more intensely than decisions taken by the state.

We need to encourage the democratization of public administration, the parties, employers’ associations, the trade unions, professional associations, and the fora in which citizens are educated, especially universities; and we need incentives for the democratization of some enterprises that wield substantial power in contemporary society. These are just a few examples of how democratic principles can be transposed from the election scenario to other power centers.

Despite the growing consensus on the beneficial impact of democratic participation on all spheres of social life, designing and establishing mechanisms and appropriate scenarios that may help it to materialize still pose a challenge. As I mentioned earlier, I do not believe that unique recipes exist, nor that valid standard solutions can be applied to all nations and circumstances. Nevertheless, I do believe that a series of experiences and approximations have proved its usefulness.

Neither democracy nor participation can exist with out full access to relevant information. Asymmetrical access to and handling of information places citizens at a clear disadvantage vis-à-vis government officials and hampers their real and effective participation. Government authorities, at every level, should provide societal, in a public and easily accessible manner, all the information it needs to be cognizant not just of decisions already made, but even more importantly, of those in preparation or being studied. Clearly, such information must be clear and direct, not disguised or buried under technical and legal jargon.
Opening up opportunities for participation entails reforming decision-making processes in order to give more say to citizens through multiple mechanisms, such as consultations, town council open meetings, and referendums. Some countries have gone further, especially at the local level, and have involved representative organizations or organizations especially interested in a particular subject, not only in decision-making but also in the process of implementing, monitoring, or evaluating decisions. Thanks to such moves, there are non-governmental organizations that have developed valuable skills in several facets of such processes, particularly in constituting citizen or grass roots accountability committees (veedurías).

Taken as a whole, these institutional reforms have facilitated and should in future translate into stronger and more clearly enforced principles of transparency, responsibility, and account ability by public authorities to the electorate and to citizens in general. This, in turn, has a major impact on vigilance in respect of public funds and on the fight against corruption. These mechanisms also bolster the legitimacy of the representatives elected by the people, shoring up the trend to participatory democracy as well as the legitimacy of the state.

Every effort to expand the basis of citizen participation in the life of society is positive and necessary. Nevertheless, I wish to draw attention to the fact that even in the most open systems access to decision-making is not always either equal or fair. That is why these reforms cannot be carried out in the abstract. Our minds and hearts need to be focused on the poor, the disenfranchised, the excluded, and on minorities, all of whom have been neglected for so long and who now justly insist on their right to be heard and taken into account.

To end this section, I wish now to refer specifically to the role of the private business sector. There are – albeit in many countries still some what scant – signs of a positive trend toward reaffirmation of corporate social responsibility, or what has also come to be dubbed "corporate citizenship." What this amounts to is an increasing awareness that the productive sector, besides its contributions to the generation of wealth and employment, has a series of obligations and duties similar to those of any "upright citizen." In other words, enterprises must also be governed by a code of ethics, practice transparency and honesty, and take responsibility for the impact their commercial activity may have on communities or the environment.

The OAS has been working on corporate social responsibility under the guidance of the IDB and jointly with the World Bank. Pursuant to a mandate of the General Assembly held in Windsor, Canada, in June 2000, inter-American conferences have been organized on the subject, attended by hundreds of corporate executives, and representatives of governments, multilateral institutions, civil society, academics, and the media. The conferences have aimed at establishing the linkages needed to achieve sustainable development in Latin America and the Caribbean, as well as finding suitable mechanisms for ensuring the most efficient and effective application of the principles of corporate responsibility throughout the Hemisphere. As we mention in the chapter on partnership for development, the Inter-American Agency for Cooperation and Development of the OAS has also contributed by designing projects in this field.
Electoral observation missions

Of all the activities carried out by the UPD, electoral observation missions are undoubtedly the most important. Prior to my arrival at the OAS, the Organization had begun observing elections, but problems were beginning to surface. In my speech upon assuming office as Secretary General, I said that the electoral observation missions had proved to be a positive experience and had added to the Organization’s prestige. I asserted, however, that the time had come to improve the system and that: “One has to be more selective and, above all, more careful in ascertaining both the circumstances surrounding each election and the nature of the mandate and the responsibilities of the observers. The OAS could also work to make the electoral organizations and systems of the nations of the Hemisphere stronger and more independent and encourage exchange of election-related technology, a vital element in a democracy.”

- Electoral Observation Missions over the past ten years

Since 1994, our work with electoral tribunals and councils has been highly satisfactory. In electoral observation missions the international community has found the principal means of ensuring free, fair, and transparent elections. Those missions have therefore contributed significantly and increasingly to the consolidation and defense of democracy in the Hemisphere.

It is our job to ensure the integrity, impartiality, and reliability of electoral processes, in such a way that they encourage citizen participation, prevent irregularities, and provide the necessary guarantees for the free expression of the will of all citizens, as well as generating an environment of fairness, trust, legitimacy, and transparency for all actors in the political arena.

The professionalism and high degree of autonomy of the missions have facilitated acceptance of electoral outcomes in often daunting circumstances. The General Secretariat’s autonomy in its approach to those missions was an important component of their success and should be preserved.

Between 1994 and 2004 we carried out over 60 electoral observation missions in the Caribbean, Central America, and South America. The fact that a chapter was devoted specifically to these observation missions in the Inter-American Democratic Charter testifies to the high opinion of them held by public opinion and political groups. That reputation allowed us to tap the knowledge and skills of several organizations and to engage, through the UPD, in extensive horizontal cooperation. Most of the missions were to observe presidential elections, but more recently we began to be invited to observe parliamentary and local elections as well. Candidates emerging from these observed elections can be seen to have gained in stature as a result of the legitimacy conferred by our observation. Thanks to efforts such as these, both the missions themselves and the electoral outcomes have achieved more widespread recognition.
Furthermore, we have made useful contributions to the provision of technical assistance in electoral matters to the different electoral courts and commissions in the Hemisphere. The reliability of elections is improving as a result of technological progress, but the latter itself poses a significant challenge to those responsible for organizing electoral processes. The UPD has worked with all the electoral bodies in the region and facilitated the aforementioned modernization process both by preparing legislative proposals and by introducing software and training for officials. Efforts to stimulate horizontal cooperation among electoral bodies themselves have proved to be particularly important, winning them increasing respect for their independence and professionalism.

- Peru

Our electoral observation mission in Peru merits special attention. It began in March 2000, in an atmosphere of considerable mistrust of both the electoral authorities and the government itself: the outcome of a decade without checks and balances among the powers of state. In its report, the Mission pointed out that there had been grave irregularities and flaws, as well as incoherent and unfair practices and for that reason we asserted that the Peruvian elections had not complied with international standards of liberty, justice, and transparency.

It was the report of that mission, headed by former Minister of Foreign Affairs of Guatemala, Eduardo Stein, that prompted the OAS General Assembly to intervene. At the regular session of the General Assembly of the OAS held in Windsor, Canada, in June 2000, the Ministers of Foreign Affairs instructed the new mission established by virtue of a resolution of the General Assembly “to explore, with the Government of Peru and other sectors of the political community, options and recommendations aimed at further strengthening democracy in that country, in particular measures to reform the electoral process, including reform of judicial and constitutional tribunals, as well as strengthening freedom of the press.”

That OAS mission, headed by the Foreign Minister of Canada, Lloyd Axworthy, ended up organizing a round table dialogue between the government, the opposition, civil society, and the Church. Officially, the agenda included: 1. Judicial reform, strengthening of the rule of law, and separation of powers; 2. Freedom of expression and of the media; 3. Electoral reform; 4. Oversight and accountability (fiscalización) and checks and balances; 5. Other issues related to the strengthening of democracy.

Our mandate was to help Peru recover the full exercise of its democratic institutions and constitutional order, from which it had strayed as a result of a government that increasingly resorted to authoritarian procedures unchecked by political constraints; to curtailment of the independence of the judiciary; to silencing the media; to using the intelligence services of the Peruvian State for its own purposes; to embezzlement of public funds; and to undermining the conditions for free and fair presidential elections. The context was therefore ripe for us to work effectively as facilitators and mediators.

Fortunately for all parties, and thanks to the courage, coordination, and determination of the political parties of the opposition and of civil society, alternative arrangements for running...
the country were made when the regime collapsed following the revelation of its illegal and anti-democratic acts. Despite the Government’s very abrupt demise, peace and calm prevailed. The OAS worked closely with opposition leaders and civil society in order to ensure a peaceful transition.

The experience we acquired in Peru marked a significant step forward in the ability of the OAS to help defend and fortify democracy. It involved working closely with the judiciary and the legislature, with representatives of the churches, with non-governmental organizations, and with the leaders of opposition groups, in a manner that was both effective and unprecedented.

Naturally, the true protagonists in that process were the citizens of Peru and their leaders, who peacefully and intensely resisted the Government’s authoritarian ways. Their will and determination were voiced through massive protests the length and breadth of the Republic.

The Inter-American Democratic Charter

Origins and genesis of the Inter-American Democratic Charter

Democracy has been taking root throughout the Hemisphere at a pace that would have been unthinkable a decade ago. Immersed in the challenges and difficulties of that process, and particularly in light of the Peruvian experience, we came to realize that the hurdles democracy has encountered in the Americas meant that it had not yet found its definitive and conclusive form.

Sensing that, the interim President of Peru, Valentín Paniagua and his Minister of Foreign Affairs, Javier Pérez de Cuello, proposed drafting an Inter-American Democratic Charter. At the Summit of the Americas in Quebec City in 2001, the Heads of State and Government welcomed the idea and instructed us to design such a Charter for adoption by our General Assembly at its regular session in Costa Rica. The Quebec Summit also adopted the so-called “Democratic Clause,” according to which “any unconstitutional alteration or interruption of the democratic order in a state of the Hemisphere constitutes an insurmountable obstacle to the participation of that state’s government in the Summit of the Americas process.”

After the Summit, a working group of our Permanent Council met to prepare a draft. The upshot was a proposed draft, which was submitted to the General Assembly of the OAS at its regular session in Costa Rica in June 2001 but which did not satisfy all delegations. The Assembly decided that a special session of the General Assembly, to be held in Peru, would work on a text that could reflect a consensus of all the delegations. Undoubtedly, the text submitted for consideration by the special session in Lima was much better and much more comprehensive with respect to the problems, challenges, and opportunities in this field.

This book is an appropriate setting in which to recall the intense work by the Permanent Council that went into preparing the Inter-American Democratic Charter, that has come to be recognized as the most important achievement of our Organization in recent times. Luckily for all concerned, the working group responsible for drafting the Charter, chaired by the
Ambassador of Colombia to the OAS, Humberto De la Calle Lombana, captured the spirit of the Summit of the Americas in Quebec City, Canada. Correctly, it took up the text presented on behalf of Peru, the experiences that the OAS had learned from in several crises in the 1990s, the experience acquired in applying resolution 1080 on several occasions, the Declarations of Managua, Nassau, and Santiago, and the inter-American human rights instruments.

Our General Assembly in Costa Rica sparked frank and lively debate about the status of democracy in our Hemisphere, its achievements and shortcomings when put to the turbulent tests associated with globalization. Those discussions highlighted the relationships between democracy and development, democracy and poverty, democracy and the environment, and between democracy and the most fundamental human rights.

That Assembly acceded to the request of Caribbean and some other foreign ministers to extend the period for reviewing the Charter, during which time further consultation also took place with civil society. Ministers also asked our Permanent Council to make use of the stock of inter-American jurisprudence and to be bound by the provisions of the OAS Charter.

In that lapse of time between the discussions in San José, Costa Rica and those in Lima, Peru, the debate widened to include many of the considerations under way in our region on the subject of democracy.

The Inter-American Juridical Committee made many valuable contributions. Its cooperation made it possible to codify, systematize, and harmonize numerous components of the OAS Charter, the protocols amending it, and resolutions or declarations of our General Assembly. It is therefore only right and proper to take this opportunity to thank the Committee for its support and guidance in the considerations that led up to the Inter-American Democratic Charter.

The text submitted for consideration by the Ministers of Foreign Affairs meeting in Lima was, without a doubt, the product of an enriching debate of a wide range of inter-American norms, which the new text expressed and linked together in a manner that significantly enhanced their scope.

Broadening of the Concept of Democracy and the Inter-American Democratic Charter

The concept of democracy has broadened in the course of the past ten years. I would like to underscore three aspects of that enriching evolution.

First, it is clear today that democracy is not just the holding of free, fair, and transparent elections, and the observance of human rights. It is independence of the powers of state, complete with checks and balances; it is transparency and ethics in the handling of state affairs; it is citizen participation and accountability; strengthening of local governments; consolidation of political parties; access to information; freedom of the press; and freedom of expression.

Second, democracy today also means good governance (a properly functioning state). Citizens perceive the shortcomings of the government institutions supposed to perform
super visory, regu la tory, or con trol func tions or of the state utili ties respon si ble for pro viding
basic pub lic serv ices, as fail ures of the demo cratic sys tem. Demo cratic insti tu tions have suf -fered sorely, espe cially in Latin Amer ica, as a result of an inef fi cient state, weak ened by the
debt crisis and ham strung by fiscal con straints. Undoubtedly, the forces of globali za tion
have obliged gov ern ments to mod ern ize, in order to be able to com pete on an in ten sely com-
etive world mar ket. Poor eco nomic man age ment has gone hand in hand with weak per-
form an ce by gov ern ment insti tu tions.

All these prob lems un der mine our citi zens’ trust in democ racy. Hun ger, cor rupt offi cials,
assas si na tions, or traf fick ing in illicit sub stances are blows struck against democ racy, erod-
ing our citi zens’ belief in it as the best form of gov ern ment. Despite the pro found changes in
the Hemi sphere in the first five years, eve ry where in the Ameri cas there have been and there
still are pro cesses that de prize democ racy of its credi bil ity and legiti macy and ulti mately
under mine its abil ity to achieve its pur poses, with out which solid and last ing insti tu tions
can not be estab lished.

We should bear in mind that today eco nomic per form ance is much more closely tied in with
democ racy issues. Con si dera tions such as social peace, politi cal sta bil ity, and respect for the
rule of law or legal secu rity are as im por tant for growth as sav ings or invest ment. On the
other hand, the expec ta tion that democracy would lead us to higher levels of eco nomic
growth and a bet ter dis tri bu tion of income has not mate ri al ized. In fact, in many coun tries,
the tran si tion from authori tari an ism to democ racy has been accom pa nied by a decline in the
rate of growth of the Gross Domes tic Prod uct. Fail ure to meet those expec ta tions has harmed
democ racy as a politi cal sys tem.

Third, globali za tion has gen er ated a world- wide aware ness in the quest for social jus tice and
the defense of democ racy and of the rights of all citi zens. Until recently, our coun tries could
still opt for a mal func tion ing politi cal sys tem. With globali za tion, that is no longer an op tion.
Thanks to the de vel op ment of means of com mu ni ca tion, the globali za tion of news, and
access to the Inter net, issues such as elec toral fraud, mis use of politi cal power, dis cri mi-
nation against women and indige nous peo ple, or vio la tions of human rights in any part of the
world, cause every one to pro test. The advent of the so- called infor ma tion age has had a
marked impact on the way prob lems are trans mit ted from one coun try to another, from one
region to another, and on how they are reported and per ceived around the globe, thereby
over whel m ingly increas ing the inter de pend en ce of all the pro tago nists in the globali za tion
process.

The citi zens of the Hemi sphere are out raged when any gov ern ment runs rough shod over its
coun try’s judi cial sys tem or exerts undue pres sure on it, or fails to abide by a judg ment of a
con sti tu tional court. They also feel and act to show their soli dar ity with their co- citi zens in
the face of adver sity, as we saw in the case of the earth quakes in El Sal va dor or Hur ri cane
Mitch. There is no longer any room in our lives for iso la tion and indif fer ence.

It would have been unthink able in the past that each coun try’s elec tions would be scru ti nized
by other countries, their media, and their nongovern men tal organi za tions. All over the
world, the inter na tional com mu nity is alert and mak ing sure that elec tions are hon est, fair,
and transparent. Today international surveillance is both growing and multifaceted, a trend we at the OAS can document with an abundance of evidence. Often enough, we end up performing not only a technical role but also that of a court or mediator between parties. It is as if each election has become a matter of concern to every citizen of America or the world. It is clear to everyone that it is not enough for an election to meet international standards. There are many more values and principles at stake and every day there are new purposes, objectives, and parameters for observing the behavior not just of states and individuals, but large private corporations as well.

I need hardly mention how judges from different countries assume jurisdiction over crimes committed in other countries decades ago. It is as if they considered the establishment of the International Criminal Court insufficient or a matter of little importance, even though it undeniably represents a major step forward and is a consequence of the globalization of political relations.

Take, then, the universal repudiation of corruption and the clamor for transparency in many government decisions. It is as if any citizen in any part of the world feels that an act of corruption thousands of miles away is his business and entitled him to be informed and to call for solutions and sanctions. Collective demands have certainly brought transparency and oversight, which have had far-reaching repercussions on national procurement and hiring systems. One need only look at the increase in the number of accusations of corruption. Is that because we have an environment in which such cases can be aired and ventilated with considerable freedom? Or is it that globalization has also brought us more corruption? Are these phenomena occurring because we have more democracy and greater public freedoms? Much the same applies to the independence and checks and balances of the powers of state.

The political consequences of globalization are perhaps most evident in connection with the global environment. Today, the issue of climate change is on every agenda. The protection of primary forests, biodiversity, the numerous animal and vegetable species in extinction, have won the attention of the majority of the population in most of the countries in today’s community of nations. No state can elude the intense international scrutiny in this area.

Who is not upset, nowadays, when the ruler of any country on the other side of the world refuses to account for his acts, or refuses to acknowledge abuses his country committed in the past? Who is not upset when someone makes no effort to protect the rights of this or that minority? In many nations it is often easier and quicker to obtain champions for a cause when domestic awareness of a problem or aspiration is still incipient.

Who today can remain indifferent to the new forms of slavery or bondage through illicit trafficking in human beings for sexual commerce? Who is indifferent to the presence of children during armed conflict or to child labor? Who is unmoved by discrimination against women and who is not indignant at violence against vulnerable groups, wherever it might occur.

It barely matters which government is responsible. People mobilize anyway, whether to press their demands on behalf of the Kurds or to demand participation by indigenous peoples in all the public affairs of almost all nations. As mentioned, this increasing globalization of
politi cal issues is made pos si ble by devel op ment of the means of com mu ni ca tion, the
globali za tion of news, and access to the Inter net. Undoub tedly by giv ing each local issue an
inter na tional dimen sion, the media make us expe ri ence these prob lems, trans mit ting them
into our bed rooms day after day and touch ing our most sen si tive chords much more surely
than any impact of eco nomic globali za tion on our wel fare. Through nightly news bul le tins,
we are fam il iar with the ethi cal issue asso ci ated with the cost of medi cine to fight AIDS in
Af ri ca, gen der is su es in China, wage dis crim i na tion in South-East Asia, and vio lence against
women in the Arab world. That de vel op ment has surely made free dom of expres sion the
most sacred right of all at the start of this cen tury.

Non gov ern men tal organi za tions and civil soci ety, with their pow er ful cam paigns, have
added these causes to their already greatly expanded agenda. Today, these organi zations
enjoy much more free dom of move ment, their opin ions are ech oed more widely, and their
cries are heard on every con ti nent. Today there are many more play ers and spokes per sons,
and more organi za tions expos ing the fail ures of our insti tu tions, dis clos ing their short com-
ings, and demand ing change. In many parts of the world, by reveal ing those prob lems, vices,
and weak nesses, they have se verely weak ened the politi cal sys tem, par ties, and con gresses.

When citi zens are asked whether they are or are not sat is fied with democ racy, nor mally they
think not only of some eco nomic im prove ments but also of the defects of the politi cal sys-
tem, of the state and its insti tu tions, and of the eco nomic and social prob lems they attrib ute to
globaliza tion.

Globali za tion has wrought huge changes in Amer ica, vastly increas ing the range of prob-
lems and chal lenges. In a sepa rate chap ter, I will address the prob lems caused by capi tal
flight, the more unde sir able fea ture of globali za tion and, today, the big gest impedi ment to
demo cratic gov ern ance in the Ameri cas.

For that rea son we need to begin to aknowl edge that what is at stake is more than just a
minor reluc tance to con form; to accept that we have to do much more to pin point not just the
economic effects of globali za tion, an area in which we have already made con si der able
head way, but also its social con se quences and the enor mous politi cal chal lenges it poses.
These have begun to con sti tute a much broa der, more com plex, and costly sce nario and
agenda, for which we are ill-pre pared.

There is much to be said for this sud den and emerg ing se ver ity in criti cism of our demo cratic
insti tu tions. Respect for the rights of every citi zen of the Ameri cas has become a mat ter that
con cerns us all. The relent less strug gle against cor ru p tion and for greater trans par ency and
account abil ity is now unstop pa ble.

While this broad vision of democ racy ex panses the scope of our actions, it also cre ates a com-
plex sce nario in which democ racy ends up being res pon si ble for any thing the state, the gov-
ern ment, or any public author ity does or did, fails to do now or failed to do in the past.
Democ racy is blamed for the short com ings of social or edu ca tional pol icy. It car ries the bur-
den of the injus tice and ine qual ity inher ited from the pre vi ous eco nomic model, and the
after math of the struc tur al adjust ment that in some of our coun tries increased pov erty by
widening the social divide. Democracy is also taken to task for the upsets and tensions caused by the intense economic, social, and political transformations of the past decade. Worse still, many citizens are beginning to associate democracy with the contemporary ills that threaten it, deprive it of legitimacy, and erode the foundations of our societies: drug trafficking, terrorism, corruption, and violence.

These uninvited responsibilities cannot be eluded. Today these problems are more acute and recurrent than ever. The democratic system must translate into improved political, economic, and social institutions; into a better political system and a state that fulfills its functions more effectively; into enhanced international cooperation in the fight against threats to democratic systems; and into a clear improvement in living standards for all. It is our duty to bring that about.

This is the enormous challenge facing our Heads of State day after day. It is a responsibility that all governments bear and one that in many nations bears no relation to the scant resources available. That is where our collective action can help complement the efforts of our government, without thereby jeopardizing the values set forth in our Charter.

These are the considerations that made the decision to adopt the Inter-American Democratic Charter so noteworthy and imperative. It incorporated many of these new elements and principles into the very notion of democracy and into our political systems. It also reflected recent practices not yet founded in legal norms, as well as some norms that represented notable advances.

**Key features of the Inter-American Democratic Charter**

Rather than refer in detail to the whole of the Inter-American Democratic Charter, I would like to highlight key aspects of it.

The Inter-American Democratic Charter systematizes and harmonizes many elements found either in the OAS Charter or in General Assembly resolutions. It took into account the extensive and lively debate under way in our region by affirming that representative democracy is strengthened and deepened by ongoing, honest and responsible participation by citizens and that such participation in decisions affecting their own development is a right and duty of all citizens of the Americas. The Charter asserts the obligation of governments to defend the right to democracy. It addresses the subjects of education and the rights of workers. It also covers the elimination of all forms of discrimination and intolerance, the promotion and protection of the human rights of indigenous peoples and migrants, and respect for the ethnic, cultural, and religious diversity of the Americas.

In the chapter on integral development and the fight against poverty, the six articles underscore the close link between democracy and economic development and high light issues related to illiteracy, the generation of productive employment, observance of economic, social, and cultural rights, environmental preservation and good stewardship, and the idea of quality education available for all. The Charter incorporates the views of our Heads of State in Quebec regarding the constitutional subordination of all state institutions to the
legitimately constituted civilian authority and respect for the rule of law by all entities and segments of society,

The Charter represents a major advance over resolution 1080 in terms of the expansion of the range of situations that may constitute a rupture or alteration of democracy, and in terms of the gamut of means or actions available to our political organs, the Permanent Council and the Meetings of Ministers of Foreign Affairs, as well as the General Secretariat, for the resolute defense of democracy in accordance with the principles of our Charter.

Here, it is worth underlining the introduction of the idea of an “unconstitutional alteration of the constitutional regime.” In other words, now an occurrence prior to an “interruption” or “rupture” may prompt an action or reaction on our part. The text incorporates the preventive concerns of the Charter, when it refers to the use of “diplomatic initiatives” and “good offices,” when a government so requires or requests. This ruling provides a sense of gradualism that allows us to contribute through our actions to the preservation and strengthening of democratic institutions.

Also worth noting is that a country may request assistance when it considers that its democratic political institutional process or its legitimate exercise of power is at risk. It is also important that the Charter provides for the Organization continuing its diplomatic initiatives in order to foster the restoration of democracy.

In drafting the Charter we were very much aware that, although we can claim to have successfully dealt with the crises that threatened our democracies, we also have to bolster our efforts to strengthen them and to overcome the enormous challenges posed, as we mentioned already, by a broader, more complex, and costly agenda. For that reason, the Charter attaches considerable importance to matters related to the promotion of democracy. It also recognizes the role of our electoral observation missions, which have proved to be a guarantee of honesty, impartiality, and trustworthiness in electoral processes.

Through the Inter-American Democratic Charter, we protect the right of our peoples to live in democracy; we give voice to our vision and shared principles; our needs and aspirations; our collective will and commitment to working in concert to defend our fundamental values. The contribution made to the Charter by the English-speaking Caribbean countries, in which democracy has proved more supple and resilient than in any other subregion of the developing world was exceptionally important.

In the framework of the Charter, representative democracy means much more than free and transparent elections, because it establishes a broader vision of democracy itself. As we pointed out above, democracy means respect for human rights and fundamental freedoms, the separation and independence of the branches of government, transparency, accountability, honesty, responsibility, citizenship, a strong civil society, and a pluralist party system. All these features are addressed in the Democratic Charter, as well as those referring to access to information, freedom of the press and freedom of expression, an effective system of controls, the elimination of all kinds of discrimination, and the supremacy of the constitution and the rule of law.
The Inter-American Democratic Charter draws attention to a new generation of rights related to indigenous peoples, ethnic, religious, and cultural diversity in the Americas; children, women, migrant workers and their families, and the rights of workers as provided for in the ILO’s core conventions. It therefore reflects the enormous efforts of the institutions of the human rights system to include newly emerging rights in the hemispheric agenda.

The Charter is founded upon the conviction that we are at a historical cross roads. Political globalization has generated a global concern for social justice and the defense of democratic principles and human rights. We face serious threats to the democratic systems of several countries in our Hemisphere. We have fragile government institutions and political systems and in many nations the state and government institutions are not in a position to provide even basic health care, education, or security.

The Inter-American Democratic Charter is more than an instrument for handling crises and imposing sanctions. Its objective is to assist democracies and ensure that they receive hemispheric support when their political and institutional processes or the legitimate exercise of power are at risk. The Charter provides our nations with tools for the collective defense against threats and for dealing with challenges in an orderly, decisive, timely, and consensual manner.

Already at the General Assembly in Barbados in 2002, we were able to appreciate the importance of the Democratic Charter. Over the past two years we have clung to its precepts as our Heads of State struggled to address citizens’ demands and to attend to the complaints, protests, and unease with government decisions and policies, against globalization or regional integration, some warranted, others barely justified. The Charter has become a major, living, essential, and, one might almost say, imperative document. It contains within it the multiple facets of democracy today.

It is also a milestone and an unmistakable token of our common determination to defend and promote democracy. Furthermore, the Charter sends a clear signal and warning that if in any of our states the democratic system of government is imperiled we have a collective plan for a highly effective response.

The Charter is a guide to democratic behavior, a code of conduct. It demands our deep-seated commitment to democracy, but we can not trust that it will solve all our problems now or those that may arise in the future. That would mean underestimating the immense challenges we face. We can not forget that usually, when we think of democracy, we have in mind a political system of institutions and values; and yet, at the start of the new millennium, the citizenry of the Americas think of democracy as something more than that.

That is why we at the OAS and in the whole of the inter-American system have progressed from a discussion of what democracy consists of to a debate about governance. Our deliberations on this point began at the General Assembly in Barbados in 2002 and continued at the next one in Chile in 2003, where it was the lead topic in the dialogue among heads of delegation. The subject was also taken up at the Special Summit of the Americas, held in
Monterrey, Mexico, in January 2004 and at other meetings of our Heads of State such as the Ibero-American and Río Group Summits.

Discussion of democratic governance has become essential due to the difficulty our governments have not only in performing their functions but even just finishing their terms, as we saw recently in Bolivia: a country to which I shall now turn.

**Bolivia**

As I mention in the chapter on the pacific settlement of disputes, in February 2003, there were armed clashes in Bolivia between the police and the armed forces, with a large number of victims and a serious breakdown of the state’s function of guaranteeing citizens security and respect for their rights and protection of their lives, all of which posed a grave threat to the political stability of the country.

There I also mention that, at the request of the Bolivian government, the OAS undertook to conduct an impartial inquiry into what had happened and to prepare a report that would facilitate discussion of the institutional flaws that had emerged during those events, recommend to the government and to the country possible actions for strengthening democracy, and provide material for assessing the political liabilities of those who had taken part in the events.

The OAS view was that there had been protest marches, in which a substantial number of individuals had defied the constitutional regime, and there were also skirmishes, but not a generalized insurrection. On the contrary, the vast majority of Bolivians observed what was happening with astonishment, feared for the fate of the country and its democratic institutions, and did not back unconstitutional solutions.

Likewise, we concluded that there had been insubordination on the part of the police against the Constitution and Bolivian law and that, faced with that attack, the Armed Forces had acted in defense of democracy and the rule of law in a contained manner, commensurate with the size of the threat.

As I state in the chapter on the pacific settlement of disputes and reaffirm below, already at that juncture we warned in our report that Bolivia urgently needed to sign explicit agreements on minimum rules of the game for transparent participation in democracy, that would be binding with respect to the political and social activities of all organizations working in the public sphere, without exception. We referred to agreements on the principles governing all political and social actors and may even involve some international participation.

We did not hesitate to point out that, to achieve levels of growth capable of substantially reducing poverty and restoring better human development indicators, it was essential to reach a timely decision on execution of the projects aimed at exploiting Bolivia’s vast oil and gas reserves, especially the liquefied natural gas (LNG) project, on the basis of sound economic and financial criteria. Given the susceptibility to criticism of a project of that nature, however, it had to be accompanied by consultation and citizen participation. The process had
to be highly transparent and any decisions explained per sua sively, so that they enjoyed a high level of public support.

The major problem in evaluating Bolivia’s 20-year experience of democracy is that, despite considerable progress in the strengthening of institutions – exemplified by the democratic institutionalization of the Armed Forces, which was sorely tested by events in February – it has not been able to meet many of the social demands of Bolivians, an outcome that is not uncommon in Latin American democracies. Nor has it opened up enough mechanisms for the participation of all segments in society. As a result, and despite the democratic convictions of the great majority of the population, Bolivians are constantly frustrated with the exercise of democracy in their country.

The political crisis and social unrest triggered new acts of violence in mid-October 2003, leading to the resignation of President Gonzalo Sánchez de Lozada on October 17 of that year. He was succeeded, as the Constitution provides, by the Vice President, Carlos Mesa. At the request of the Government of Bolivia, the OAS also intervened to attempt to mediate, together with Brazil and Argentina, between the government authorities and the leaders of the protests in a bid to avoid bloodshed, as well as to preserve the constitutional order and the political institutions of the country.

What happened in Bolivia is an important admonition for all our countries. As we warned in our Report, the Bolivian case mainly concerned political participation – in this instance, that of a segment of the population excluded from the development circuit, namely indigenous communities – and the need for them to feel part of that society, to be taken into account in decisions, even if they do not share them, and to be incorporated into solutions.

It is important to recognize the enormous effort being made by President Carlos Mesa to solve the country’s underlying problems and to act with the gravity and responsibility that the circumstances require. Managing to chart a course in a country with such a particularly precarious economy and to attend to the social demands and demands for representation of the different social sectors requires enormous support from all sides. Bolivia’s plight calls for decisions of substance and its political groups must be conscious of the need to seek consensus in order to avoid a crisis even more dire than that the country has already suffered. The quest for points of consensus also implies a readiness to negotiate and to avoid polarizing the country, with Bolivia’s Congress being the natural forum for reaching agreements and cooperation with the Executive.

The OAS is committed to supporting Bolivia and, at the request of its Government, has focused on assisting with the Constituent Assembly process. The future of Bolivian democracy depends to a large degree on the success of both processes. We already have a team with ample political and legal experience of constituent assembly processes, working closely with the Government in this field. Through the Unit for the Promotion of Democracy, we are also putting together a program for strengthening Bolivia’s political parties. The Inter-American Drug Abuse Control Commission, CICAD, is working on alternative crops to coca and helping prepare a national anti-drug plan. For its part, the Inter-American Commission on Human Rights is helping to draw up a national human rights plan.
Haiti

Haiti has proved to be a particularly intractable case for the OAS. Over a period of several years, considerable frustration has accumulated that, unfortunately, recent events have done nothing to dissipate.

I took office as Secretary General of the OAS on the day that President Clinton announced that the multinational force headed by the United States would, with the authorization of the United Nations Security Council, restore the government of President Aristide. The OAS took on a grave responsibility to the Haitian people when it committed itself fully to that process. For the first time ever, there was to be a joint OAS-UN International Civilian Mission to monitor human rights issues and other factors of a humanitarian nature in that country. The idea was to promote full reconciliation, through a process based on the principles set forth in the Governors Island Agreement.

Under that arrangement, the different segments of Haitian society felt they had control over democratic institutions that had to be reconstructed and strengthened day by day. The OAS stood by ready to lead and to contribute at any time to reconciliation and social and economic transformation of the country. Yet these goals proved to be unattainable. There was never any truly democratic coexistence, nor full acceptance of the democratic legitimacy of governments that succeeded one another by the will of the people.

Haiti recovered public freedoms, but the fight against backwardness and extreme poverty failed to proceed at the pace the international community had hoped for. Following a cycle alas all too familiar to the people of Haiti, their country ceased to make the headlines or television screens in the rest of the world. No way was ever found to actually use the cooperation that had been offered. In fact, justice was never done to a people whom the community of nations has punished with an undeserved cycle of attention followed by indifference.

For me it is a matter of great regret that since 1994 little has changed for the better in Haiti: its democracy is as frail as it was then, democratic institutions fail to function as they should, the economy is in decline, and most of the citizens of Haiti live in deplorable conditions. Let us hope that the process currently under way allows us to break that vicious circle of ever deeper conflict and misunderstanding, thwarting all economic, political, and social progress.

Haitians have demonstrated their creativity and skills in many spheres of human activity and have suffered more than their fair share of the struggle against hunger and destitution. It is time for their intelligence, creativity, pride, and sheer ability to survive to enable them to escape their dreadful plight and to forge a community offering opportunities for all in an equitable and democratic fashion.

All these years, we at the OAS have felt an intense commitment to Haiti. The OAS made a huge effort to find a solution to the grave political crisis triggered by fraud at the time of the parliamentary elections in May 2000, when parts of the Constitution were flouted, along with even rudimentary electoral standards. Those flaws were clearly pointed out by our Electoral Observation Mission.
Accompanied by our Assistant Secretary General, Ambassador Luigi Einaudi, we attempted to repair the damage to democracy done during the electoral process. We worked with the Government of Haiti, opposition parties, and the various churches, to find possible solutions to the crisis.

The General Assembly held in Costa Rica in June 2001 gave us strict instructions to deal with all sectors of Haitian society to reach an agreement that might solve the problems associated with those elections and to embark on a national dialogue for reconciliation and the strengthening of democratic institutions.

In July 2001, we reached an agreement regarding the establishment of a credible, neutral, and independent Electoral Council that would be representative of all sectors. Unfortunately, the armed attacks of July 28 and December 17, and the street violence that ensued, put paid to the process of negotiations. From then on, we witnessed a deterioration in the security and human rights situation, and diminishing chances of finding a solution to the political crisis.

The outbreak of violence on December 17, 2001 triggered a vigorous response from the Permanent Council of the OAS, which condemned the loss of lives and destruction of property on that occasion and urged the Government of Haiti, all the political parties, civil society, and other institutions in Haitian society, to condemn all forms of public violence.

The Council gave instructions that a solution be found to the latest political crisis by establishing an OAS mission. It asked that we send representatives to investigate and evaluate the situation, and to help the Government and people of Haiti to strengthen its democratic system and institutions. It also invited the Inter-American Commission on Human Rights to carry out an on-site visit.

In its resolution the Council also urged the Government of Haiti to ensure the following:

a. The completion of a thorough, independent inquiry into the events related to December 17, 2001;

b. The prosecution of any person, and dismissal, when appropriate, of any person found to be complicit in the violence of December 17, 2001, and subsequent days;

c. The completion of a thorough inquiry into all politically-motivated crimes;

d. Reparations for organizations and individuals who suffered damages as a direct result of the violence of December 17, 2001.

The resolution by our Permanent Council also provided for the renewal of our mandate and the mission was established with a view to taking a long-term approach to the issues involved. An effort was made to create a climate of security: a necessary condition for restarting negotiations. The mission was also asked to monitor human rights issues and other related to security, the judicial system, and governance.

At the same time, the OAS and CARICOM established an independent Commission of Inquiry, composed of three prominent jurists, to investigate the events of December 17. We also appointed an Advisory Council to make recommendations on reparations to
organizatons and indi vidu als that suf fered losses as a direct result of the vio lence on Decem -
ber 17. It was in that con text that a Group of Friends of Haiti was formed to act as a con sul ta-
tive body.

On March 1, 2002, an agree ment was signed between the Gov ern ment and the OAS for the
estab lish ment of a mis sion focus ing on democ racy, human rights, secu rity, and admi nistra-
tion of jus tice. Sub se quently, through reso lu tion 822, the Per ma nent Coun cil expanded this
man date to cover the criti cal sub jects of dis ar ma ment and the crea tion of a secure envi ron-
ment for an elec toral process.

At the Gen eral Assem bly held in Bar ba dos in 2002, we stated that unless we man aged to
solve Hai ti’s most ele men tary politi cal prob lems and were capa ble of reach ing an agree ment
on hold ing elec tions in the near future and restor ing full coop era tion of the inter na tional
com mu nity and fi nan cial insti tu tions with that coun try, the loss of legiti macy and the polari-
zation would con tinue to de te rio rate. The Gov ern ment had to com ply fully with the terms of
the reso lu tion adopted in Janu ary.

All par ties, includ ing the Con ver gence Démocra tique coa li tion were to dem on strate their
readi ness to resolve the politi cal dis pute and return to the nego ti ating table to final ize the
accord. We pointed out that the peo ple of Hai ti des per ately needed that agree ment.

The ini tia tives under taken by the OAS, its Sec re tar iat, and its politi cal organs, and those of
the Inter- American Com mis sion on Human Rights were con stant and com plex up to Janu ary
2004, when the prime min is ters of CARICOM pro duced their Cari com Prior Action Plan,
adopted in Jamaica with a view to solv ing the politi cal dif fer en dum.

The Plan call for com pli ance with the rele vant OAS reso lu tions and empha sized the need to
nego ti ate new rules gov erning demonstra tions; the release of de tain ees; disarm a ment of
armed gangs; estab lish ment of a con sen sual broad- based advi sory coun cil; the ap point ment
of a new gov ern ment through iden ti fi ca tion of a neu tral, in de pendent per son as Prime Minis-
ter, who enjoys pub lic trust; and imple men ta tion of the CARICOM Char ter of Civil So ci ety.

The inter na tional com mu nity, with out excep tion, sup ported the CARICOM plan and com-
mended it as a nota ble con tribu tion to solv ing the politi cal dif fer en dum. Nev er the less,
despite those major efforts and the sup port of the inter na tional com mu nity, in Febru ary 2004
politi cal vio lence spread across the coun try. At a spe cial meet ing on Febru ary 19, the Per ma-
nent Coun cil adopted a reso lu tion for the defense of pub lic order in Hai ti and the strength en-
ing of its democ racy, and con demned the vio lence.

It is worth not ing that this reso lu tion expressed “its firm sup port to the CARICOM ini tia tive”
and also “its firm sup port for the Gov ern ment of the Presi dent of Hai ti, Jean-Bertrand Aris-
tide, in its ef forts to re store pub lic order by con sti tu tional means.”

On Febru ary 26, alarmed by the ex trem ely con flic tive and vio lent situa tion in Hai ti and con-
scious of the restric tions im posed by the OAS Char ter in such cases, the OAS Per ma nent
Coun cil agreed to call upon the United Nations Secu rity Coun cil “to take the nec es sary and
ap pro pri ate urgent meas ures, as estab lished in the Char ter of the United Nations, to address
the crisis in Haiti.” Three days later, President Aristide resigned and left his country under circumstances that are the subject of controversy within the OAS.

After an emergency meeting on this subject on March 2 and 3, the Heads of State of the CARICOM countries issued a statement in which they expressed their “dismay and alarm” over the events leading to the departure of President Aristide and called on the United Nations to investigate those events.

To some extent, the immediate challenge has been to find a way of continuing to support the people of Haiti in an atmosphere charged with disagreements. Since March, the OAS has concentrated on finding formulas for restoration of order and peace in the country. Using ideas suggested in the CARICOM “Prior Action Plan,” the Mission has attempted to support the establishment of normal democratic practices in that country.

Since the resignation of President Aristide and the start of the new government of President Alexandre and Prime Minister Lorture, the task has been one of combining strategies with the United Nations. Through its Security Council resolutions 1529 and 1542, the United Nations put together a multinational force with troops from the United States, Chile, Canada, and France, to be replaced in a few months by a more permanent stabilization force led by Brazil. Together, the OAS and the United Nations must embark on a long-term effort covering such issues as disarmament, human rights, administration of justice, respect for the rule of law, promotion of a culture of dialogue, negotiation and social inclusion, and, of course, elections.

On May 6, 2004, the Prime Minister of the Provisional Government attended a special meeting of our Permanent Council. In accepting the request of the Council of Wise Men to become Prime Minister of Haiti, he took on an enormous responsibility in order to serve his country in these dire times.

Although this phase in the history of Haiti is clearly only just beginning, this is a time for profound reflection.

When the Prime Minister of the Provisional Government of Haiti, Gerard Lorture, asked us at that meeting for assistance with electoral matters, he undoubtedly had the unanimous support of the countries of the OAS. The Prime Minister said on that occasion: “We want to show that it is possible to govern Haiti differently, not like it has been governed for the past 200 years.” Nevertheless, the Government has a formidable task ahead of it in attempting to restore public order and respect for the rights of each citizen of Haiti. It also has the obligation to lead the country to elections that return the exercise of sovereignty to its citizens. The activation by the Prime Minister of the Provisional Electoral Council, in accordance with the agreement reached in 2001, should contribute to the process of holding elections and ultimately to full restoration of the rule of law and reconciliation.

Even so, we cannot ignore the fact that, behind the unanimity and solidarity in assisting the Haitian people to overcome the crisis and raise their standard of living, there are several unresolved questions. The member states of the OAS have not managed to reach a consensus on the interpretation of what happened. Nevertheless, that has not proved to be an obstacle to
accepting the highly positive role that our mission in Haiti must play in carrying out the major responsibilities entrusted to it by both our Permanent Council and the OAS General Assembly.

Either our Permanent Council or the OAS General Assembly at its next session must define the exact parameters to govern the activities of our mission. We have to bear in mind that our starting point must be the original mandates with respect to justice, human rights, and good governance, all of which are geared to strengthening the country’s democratic institutions. These activities must continue and receive ample and resolute support. We shall continue our work in Haiti in close cooperation with CARICOM, an organization that undoubtedly wields considerable influence and has played a vital role.

In any event, the responsibility for a solution to the Haitian crisis lies with the Haitians themselves. The problems of security and democracy, as well as the country’s economic issues, can indeed be solved by Haitians. The OAS must contribute by offering guidance in that process.

**Colombia**

In 2003, Colombia became a particularly important item on the OAS Agenda after its Government turned to the Organization in order to obtain multilateral support for its fight against terrorist groups. Following the explosion of a bomb in a social club in Bogotá, in February 2003, and the speech by the Vice President of Colombia to the Permanent Council of the Organization asking for the solidarity of the hemispheric community, the Council adopted a resolution in which it condemned the terrorist attacks and reaffirmed its support for the efforts of the Government of Colombia to combat terrorism and establish lasting peace in that country. In October, at the Special Conference on Security, member states issued a declaration on the situation in Colombia fully supporting the Government’s policies and calling for the demobilization and reintegration of members of the illegal armed groups in civilian life.

In mid-October 2003, the President of Colombia, Álvaro Uribe Vélez, asked me if the OAS could cooperate with the Government of Colombia in the process of demobilization of paramilitary groups that had already got under way in the country. Our Organization is recognized as having acquired extensive experience of post-conflict situations, the best known of which is Nicaragua, where, at the end of the fighting, the OAS was asked to play a verification and demobilization role in respect of the Nicaraguan “contras,” using only civilian personnel.

Despite the many personal doubts I harbored regarding certain aspects of the process that was under way, the fact that, as the Minister of the Interior of my country in 1987, I had been the first person to alert Colombian public opinion to the danger of allowing paramilitary groups grow or of society taking a complacent view of that possibility, gave me a certain amount of autonomy and legitimacy for taking a decision that would have lasting implications for my country and the OAS. Added to that was my absolute conviction that Colombia is a country with strong institutions, one that abides strictly by its Constitution and its laws, with an
independent legislature and prominent roles played by the Constitutional Court, the media, and public opinion, as well as my certainty that the international community has an enormous responsibility to help that country and its government.

I am convinced that Colombia has the right to strike what it considers to be an acceptable balance between justice and demobilization, and one that is compatible with a global vision of the defense of the rights of human beings; and I am sure that Colombia’s institutions are going to find that right balance between truth, justice, repARATION, human rights, and international humanitarian law.

All those reflections led me to take up the challenge and responsibility of beginning a mission to support the peace process through verification of the cease fire and end to hostilities, demobilization and disarmament, and the reincorporation of combatants into civilian life.

Subsequently, that effort was to be confirmed by the Permanent Council, in the form of its unwavering support of the efforts of the president of Colombia to pursue a firm and lasting peace within the framework of the rule of law and the full exercise of human rights.

The Agreement of Santafé de Ralito, signed on July 15, 2003 by the National Government and the United Self-Defense Groups of Colombia (AUC) marked the start of the demobilization process for these illegal armed groups, which the authorities are planning to complete, at the very latest, by December 31, 2005. As a first step under the agreement, on November 25, 2003, 874 members of the Bloque Cacique Nutibara (BCN) of the AUC were demobilized in Medellín. They handed over 623 rifles, revolvers and other firearms, as well as ammunition. The OAS attended this event as a guest of honor. On December 7 of the same year, 156 members of the paramilitary group Rural Self-Defense Forces of Ortega (Las Autodefensas Campesinas de Ortega) demobilized in Cajibío, in the Department of Cauca.

On May 13, 2004, in Santa Fe de Ralito, the Colombian government reached an agreement with these groups on rules to govern a “Location Zone” for them in Tierralta, in the Department of Córdoba. This zone would exist for a renewable six-month period, depending on the requirements of the process. The OAS Support Mission, MAPP/OAS, will verify compliance with that Agreement and with the commitments made by both parties.

Thus, the idea is for the Mission to have an office in that Zone, guarded by the Colombian security forces. There will be a standing Committee on Security and Cohesion, which the Mission will form part of, and a Verification Committee, responsible for assisting the OAS Mission’s efforts to verify the cessation of hostilities and for receiving and attending to complaints, information, or denunciations regarding compliance with the cessation of hostilities. The plan envisages receiving an inventory of the arms, materiel, and ammunition in the possession of the members of the self-defense groups in the zone and the agreement contains a provision requiring members of the self-defense groups to abstain from engaging in illicit activities, recruitment, exerting pressure on or threatening inhabitants of the area or visitors, carrying out armed training sessions, ordering or coordinating illegal actions from the zone, or manufacturing, stockpiling, and either bringing in or taking out arms, materiel and/or additional ammunition.
It is worth noting that the District Attorney’s office (la Fiscalía) and the judicial authorities will take an active part in the demobilization process. 862 IDs have already been issued, along with 639 judicial record certificates. The legal status of a 215 demobilized combatants has still to be verified. The latter are subject to restraining orders as they are accused of conspiracy to commit crime. According to the Attorney General’s Office, there are 254 people with judicial records, some of whom are under prosecution with confidential case files.

So far, 14 of the demobilized have been arrested. In two of those cases, crimes were committed after demobilization; the others have yet to be analyzed. Thirteen of the detainees are in the Belavista Penitentiary and one in the Itagüí maximum security jail.

The negotiation process is undoubtedly complex. Talks are being conducted at a bilateral level between the Government and different blocks of the self-defense groups, in the presence of the OAS and the Colombian Catholic Church, at a combined negotiation table arrangement. Clearly, the most complex negotiations of all have had to do with the subject of extradition and the security of the areas of influence of the self-defense groups, and with points of consensus conducive to a schedule for guaranteeing their concentration in particular zones, a more effective cessation of hostilities, demobilization, and reinstitution. The self-defense groups are not a homogenous entity. In-fighting has been observed and it may explain the obscure circumstances leading to the disappearance of one of the top AUC leaders. This incident is being investigated by the Attorney General’s Office.

Obviously, in this major effort to achieve the demobilization of paramilitary groups in Colombia, great care must be taken to avoid human rights problems and to listen to non-governmental organizations and the inter-American human rights institutions. At the OAS we are well aware that we must take special care to avoid any move that might cast doubt on our commitment to observe human rights; to prevent any abuse of power by the authorities; and to respect the rule of law, institutions, the right to self-defense, and contentious rights. The Permanent Council’s contribution to the OAS mandate, aimed at tightening coordination between the Mission and the Inter-American Commission on Human Rights (IACHR) is based on that approach and its adoption is a priority for the Mission.

Without prejudice to the above, it is not up to the OAS to negotiate the contents of a “Law of Alternative Justice” (Ley de alternatividad penal) For that reason, I have insisted on the mission refraining from interfering in the internal affairs of the country or from negotiating the legal or political scope of the agreements that the Government might reach with its interlocutor. None the less, we do have opinions that we will convey to the Government and we trust that the Executive, Congress, the courts, and civil society will abide by their actions and agreements by the international human rights standards upheld by the system and conventions to which Colombia is a party.

Participation by the international community will help to diminish the violence, drug trafficking, and human rights violations, and to restore properly functioning institutions throughout Colombia. However, there is no such thing as aseptic negotiation and the international community must also be prepared to assume certain risks if it wishes to see a reduction of violence in Colombia. Sustainable, certain, and lasting peace given the present state of the
Colombian conflict presupposes international involvement demonstrating two basic principles: transparency and credibility. That is the commitment of our Organization to the Colombians.

At the same time, the scope of the mission’s mandate is not restricted to verification of a peace process with paramilitary groups, but with all armed groups if they agree to stop terrorist acts, commit to a cease-fire and cessation of hostilities, and permit international verification. When circumstances so require and the Colombian government so wishes, the OAS could assist with negotiations with the other parties to the conflict and advise on the terms of negotiations with the paramilitary.

Ultimately, peace in Colombia will be gradually put together, like the pieces in a jigsaw puzzle. It is neither fair nor realistic to offer support to Colombia only when peace can be made with all the players, without exception. Much bloodshed can be avoided if the international community realizes that it is its responsibility to act now.

**Venezuela**

On April 13, 2002, the Permanent Council of the Organization of American States condemned the disruption of constitutional order in Venezuela and the deplorable acts of violence leading to the loss of human life, called for the restoration of democratic institutions, and sent a mission, headed by me, to investigate the facts and initiate the necessary measures to reestablish constitutional order.

Reporting to the Permanent Council on April 18, 2002, I presented the facts as I knew them, which I was instructed to verify. I also reported to the Council on my efforts to bring about the earliest possible normalization of democratic institutions, as well as the decisions taken by the presidents of the Rio Group and the request that, on their behalf, and by the most appropriate means, I ascertained what was happening in Venezuela. Our Council condemned the disruption of constitutional order and the deplorable acts of violence and expressed its solidarity with the people of Venezuela.

I then presented the report on my visit. On that same day, the OAS General Assembly, at a special session convened under Article 20 of the Inter-American Democratic Charter, adopted a resolution to extend such OAS support and assistance as the Government of the Bolivarian Republic of Venezuela might request for the consolidation of its democratic process.

Then I presented a succinct report of the facts and an assessment thereof, by way of illustration, for the governments, of possible steps the Organization might take, in particular regarding the principles enshrined in the Democratic Charter. There was a general rejection of the actions taken by the “provisional government” that seized power, had President Chávez detained, attempted to shut down all bodies formed by popular election, ordered interventions into the Judiciary and all institutions of the “moral authority,” and, in practice, derogated the Constitution and many decisions and measures taken under its provisions. This
“government” was actually just being installed, had no democratic legitimacy, and stemmed from the decisions of a group of soldiers.

Fortunately for the democratic institutions of Venezuela, that attempt to disrupt the constitutional order was turned around, largely by the reaction of a good number of Armed Forces officers, and by vigorous citizen action. Upon my arrival in Venezuela with the mission, I was able to meet with President Chávez and with all the highest officials of the branches of government, political organizations, civil society, the Church, workers’ organizations, and the media.

Among my talks with the various sectors, I would point to the following. I found the President clearly ready to reflect, to rectify, and to seek unity. I found the same readiness in the opposition sectors. But I also found a very dangerous polarization, not only of natural political protagonists, such as members of government, parties, or congressional groups, but also of representatives of other branches of government, of labor and business organizations, of civil society and the media. This excessive polarization, in practice, hindered democratic dialogue and the search for agreements that would restore the country’s social harmony. Most people were convinced that another confrontation between the friends and the opponents of the Government was inevitable.

We then called attention to the very dangerous practice of involvement in political debate by the Armed Forces. I also expressed my concern that many sectors were distancing themselves from constitutional standards. Many believed that there was a lack of separation and independence of the branches of government and that the checks and balances under which democracies operate were lacking. I learned of various reports of intimidation, looting, loss of life, and persons injured during the days in which the constitutional order was disrupted.

I also let the governments know how, within the opposition sectors, responsibility for many of the human rights violations, and for some acts deemed to curtail free expression, was attributed to the “Bolivarian Circles”—groups of citizens or grassroots organizations that support the President’s political platform. Media representatives and some journalists considered them their most serious threat. The cases had already been brought before the Inter-American Commission on Human Rights and its Rapporteur for Freedom of Expression. They also complained about the number and length of the President’s statements, which private networks are required by law to broadcast.

Representatives of the branches of government, for their part, pointed to the lack of objectivity of some media outlets in reporting on the events, especially on the restoration of constitutional order. Members of the opposition, on the other hand, felt that their rights were being violated in the National Assembly.

In meetings with the various sectors, I took the liberty of pointing to measures I thought should be taken urgently to avert further expressions of discontent that could lead to a repetition of the tragic events of April 11 and 12. I said that the OAS, its member countries, the rest of the international community, and some organizations like the Catholic Church, through the Bishops’ Conference, could lend their assistance in promoting dialogue and ensuring that
these events do not recur. In addition, I noted the importance of defusing certain severe conflicts, as a way of reversing some of the country’s progress down the dangerous path it is on and restoring its governance and economy.

I pointed to the importance of a commitment by all parties to defend and abide by the Constitution, as the basis and framework for action by all parties; that the Armed Forces refrain from involvement in political debate and give up the theory of their right to rebel; and the obligation, stated in the Democratic Charter, of all authorities to be subordinate to the civilian authority, expressed as the head of state.

I emphasized the commitment to employing only peaceful means; the importance of making headway with an impartial investigation of the events of April 11 and 12; the need for all parties to strengthen the separation and independence of the branches of government; and that any agreement must involve full respect for freedom of expression and the press. I publicly expressed my confidence that the Government of President Chávez would satisfactorily resolve the concerns over security and intimidation of the media representatives with whom I met. They also expressed the need to arrive at a code of conduct that, going beyond legislation, would ensure compatibility between public interest broadcasts and the broad cast of information by television stations.

After I presented my report, the Assembly adopted a declaration reaffirming its offer of support and assistance to the Government, institutions, and people of Venezuela. The Permanent Council hailed the Government’s initiative of organizing a dialogue with all sectors of the country and support from the international community.

In June 2002, in Barbados, the General Assembly, in its “Declaration on Democracy in Venezuela,” reaffirmed its support for the national dialogue convened by President Chávez and its offer to assist with that effort, in the context of the Inter-American Democratic Charter.

In July, after the visit by former United States President Jimmy Carter to Venezuela, the OAS, the Carter Center, and the United Nations Development Programme (UNDP), through their representatives, Fernando Jaramillo, Jennifer McCoy, and Helena Martínez, began to explore ways in which the three organizations might facilitate dialogue between the government and the various political and social groups to resolve issues of serious political dissent. The visits led to a formal invitation, from both the Executive and the part of the opposition represented on the Coordinadora Democrática, for the mission to set the agenda and rules for the dialogue we had proposed.

From October 2 to 4, I visited Venezuela at the invitation of President Chávez to build upon the efforts of the representatives of the three institutions. Following on my visit to Caracas, the OAS and the Carter Center designed a joint mission to continue exploring ways to improve the country’s conflictive situation. This led to progress in drafting the Declaration of Principles for Peace and Democracy in Venezuela, of October 15, 2002, initiated by the Carter Center.

As a result of the visit, both the Government and the Coordinadora Democrática signed the declaration, in which they stressed that Venezuela’s problems could and must be resolved by
Venezuelans them selves, within the frame work of the COnstitution and the laws of the Bolivar ian Republic of Venezuela.

The signers expressed their full comm itment to demo cratic prin ci ples and prompt justice; they repu diated recourse to vio lence; they recog nized the need to seek ways to strengthen the demo cratic co exis tence of the Vene zue lan peo ple; they declared their readi ness to launch sin cern dis cus sions among all sec tors in order to find accept able solu tions to the politi cal con flicts that were desta bili zing the coun try; they reit er ated their appeal for sup port and as sis tance by the Work ing Group con sist ing of rep re sen ta tives of the three insti tu tions, in order to imple ment an observable and verifiable process of agree ments for achieving, through a consensus-based mecha nism, politi cal solu tions con sis tent with the con stitutional frame work. They also reaf firmed their con vic tion that Vene zuela and the Vene zuel an peo ple would be able to over come the situa tion in a peace ful and demo cratic way, ensur ing the rule of law and the dig nity of all citi zens.

In Octo ber 2002, there were numer ous devel op ments on the Vene zuel an politi cal scene, nota bly two mas sively attended marches (one against and the other for the Presi dent of the Repub lic); a gen er al strike (the third in 12 months); a state ment by a group of sol diers gath ered at the Plaza Alta mira, declar ing “legiti mate dis obe di ence”; and prog ress in the col lec tion of sig na tures request ing that the National Elec toral Coun cil call a con sul tative refer endum on the pos si ble recall of the Presi dent.

On Octo ber 27, I arrived in Vene zuela and said that “recent events in Vene zuela have under scored the per sis tent and deep polari za tion in that coun try and the urgent need to move from an envi ron ment of con fron ta tion to a frame work of direct nego tia tion between the gov ern ment and the oppo si tion.” I said it was impera tive that Vene zue lans address the cur rent prob lems within the con stitutional order and the rule of law, through the demo cratic mecha nisms avail able under the Con stit u tion. I went on to say: “The peace ful nature of the recent marches held both by the oppo si tion and by the Gov ern ment, and of the Octo ber 21 labor strike, is a clear sign of prog ress toward a solu tion reached by con sen sus.”

I said that these events dem on strated that Vene zue lan soci ety was capa ble of deal ing with its dif fer ences demo crati cally and that vio lence was not an inevi ta ble result of dis sent. As “another posi tive sign,” I pointed to the fact that the gov ern ment and the oppo si tion sec tors had signed the Decla ra tion of Prin ci ples for Peace and Demo cracy in Vene zuela.

I announced the pres en ta tion of spe cific pro pos als for work ing on the three issues already accepted for dis cus sion between the par ties. The Forum would seek agree ments to solve the cri sis in the coun try by means of elec tions as well as agree ments on the fol low ing top ics: strength en ing the elec toral sys tem, inves ti ga tion of the events of the pre vi ous April 11, and the need to dis arm the civil ian popu la tion – in addi tion to our intent to pro pose a struc ture for the dia logue.

At the OAS Per ma nent Coun cil meet ing of Decem ber 13, 2002, in which I par tici pated by video con fer ence, the politi cally con ten tious situa tion in Vene zuela was dis cussed. I gavemy assess ment of the role the OAS could play at that criti cal junc ture and the pos si ble role of the
joint mission with the Carter Center. I referred to the Declaration of Principles, reaffirming that, as the Declaration states, the political problems must be resolved by Venezuelans, in the framework of the Constitution and the law, and emphasizing the importance of strict observance of democratic principles, timely justice, and the rejection of violence.

I mentioned the agreed topics and reported on the facilitation effort I was personally ready to undertake, given its importance not only to Venezuela but to all peoples of the Americas. Resolution of the political conflict in Venezuela by means of dialogue and negotiation was vitally important to all parties.

As I mentioned earlier, on October 22, 2002, a group of Venezuelan military officials publicly called for a military insurrection and civil disobedience and asked President Chávez to resign. My emphatic response was that such positions and demands were a betrayal of the constitutional loyalty that officials of the Armed Forces owed to the President of the Republic, Hugo Chávez Frías. I added that Article 4 of the Inter-American Democratic Charter, on subordination to civilian authority, applied to all members of government institutions and to the Armed Forces.

On October 27 of that year, I arrived in Caracas to more fully pursue the aims of the mission. I was able to make progress on what came to be known as the Forum for Negotiation and Agreement. Originally, the Forum was expected to be in place for one month, until December 4, but its term could be extended by the parties. It would be conducted by an international facilitator, and supported by a specialized technical team with expertise in negotiation and dispute settlement.

The Forum would begin a dialogue with no preconditions other than those already agreed. Clearly, both the Government and the opposition organizations set aside many of their original prejudices, apprehensions, and skepticalisms in agreeing to discuss their positions and how they envisioned resolving a confrontation that threatened to destroy their democratic institutions, jeopardized their coexistence, and cast doubt on the environment of peace, tolerance, and overriding concern for human life and dignity that characterized the Venezuelan people. As soon as this preliminary phase had concluded, I offered to serve as international facilitator, on behalf of the three institutions. The Government was to appoint six representatives to the Forum. Likewise, the Coordinadora Democrática would be asked to name six persons to represent it on the Forum.

Progress was made on the agreements governing the operations of the Forum for Negotiation and Agreement. The institutions, through their representatives, would support me in my facilitation efforts. The facilitator would be the only party to officially report on the Forum’s proceedings, although each party retained the right to express its points of view.

It was suggested that complementary working groups would be set up, with delegates from both sides, to draw up specific proposals and recommendations for the agenda items, which would then be submitted to the principal Forum. Should any of the agreements reached in this process require consideration by the National Assembly, an appropriate mechanism...
would be found, based on prior agreement by the parties, for that body to be apprised in good time and to act in accordance with its constitutional powers.


National context prior to installation of the Forum for Negotiation and Agreement

The environment before the Forum began was very contentious: the possibility of conducting a consultative referendum on the tenure of President Chávez in office was something about which the parties disagreed on every single point; it led to an intense legal and political battle at both the National Electoral Council and the Supreme Court of Justice.

This legal battle was reflected in events in the street and demonstrations by both sides. Joining in were the Movimiento V República, or MVR (Fifth Republic Movement), and the organizations within the Assembly that supported President Chávez, to oppose the actions of the majority within the National Electoral Council (CNE). Dissensions centered on the electoral regulations in force, which, owing to the transition to the new Constitution, were not sufficiently clear.

On the day we installed the Forum, the Justice First party submitted the signatures for a popular referendum to the National Electoral Council. It was a day of intense violence in the streets. That same day, the President of the Confederation of Workers of Venezuela (CTV) announced an indefinite strike, while noting that he was not opposed to the installation of the Forum. The problem of the military uprising in the Plaza Altamira, moreover, generated enormous agitation, tension, and potential for violence.

In that context, the parties agreed to initiate rounds of negotiations on November 8, 2002, and to select their respective representatives for that process. The Government named José Vicente Rangel, Vice President of the Republic; Roy Chaderton, Minister of Foreign Affairs; Aristóbulo Isturiz, Minister of Education, Culture, and Sports; María Cristina Iglesias, Minister of Labor; Ronald Blanco, Governor of the State of Táchira; Nicolás Maduro, representative to the National Assembly; and Jorge Valero, Ambassador of Venezuela to the OAS, the latter as adviser.

For its part, the Coordinadora Democrática appointed Timoteo Zambrano (Alianza Bravo Pueblo), Américo Martín (non-governmental organizations), Alejandro Armas (representative to the National Assembly), Eduardo Lapi (Governor of the State of Yaracuy), Manuel Cova (Secretary General of the Central de Trabajadores de Venezuela), Rafael Alfonso (member of Fedecámaras), and Juan M. Raffalli (Justice First), the latter as adviser.

During the Forum’s installation, I presented the parties with some reflections on the fears I had come to harbor during daily contact with Venezuelan society. I said I was concerned that what in other arenas would be considered legitimate, democratic debate increasingly led, in Venezuela, because of intemperate speech, to scenes where mutual recriminations took the place of the objectivity often sought by leaders in public affairs. I said that, even in the
awareness that views on the country’s problems were so very different, the parties must try harder to avoid offensive statements and fighting words, which accentuated political differences and created divisions and estrangements that appeared irreconcilable and, therefore, difficult to resolve through democratic, peaceful means.

In this appeal to avoid rash speech, unnecessary provocation of others who disagreed, and acts of intimidation, I pointed out how in Venezuela many people, with no meaning to, were disregarding the democratic principles they claimed to hold in the highest esteem. I said Venezuela needed much more mutual respect. Politics is a civilized competition among ideas. But in order for that competition to be constructive, the ideas of others absolutely must be tolerated and respected.

I also noted that there was only one way to correct the course: speak in moderate terms, drop the bellicose and quarrelsome rhetoric, walk the path of negotiation and agreement, allow differences to be resolved by appealing to citizens. This was the only way out of Venezuela’s dilemma.

I noted the grass roots origin of the Constituent Assembly, and that its text had been ratified by a majority of Venezuelans. I said it was very good for the Constitution that its provisions were cited in defense of the freedom of expression and the right of dissent, which are essential to democracy; and that it was good that the Coordinadora Democrática was referring to one of the mechanisms for participation in order to avail itself of what it considered to be its rights. But the literal content of some provisions, and the crisis itself, had generated confrontations for which constitutional provisions were cited as justification. Under these extreme circumstances, the fundamental agreements necessary for civilized coexistence had been broken.

I said it was imperative for Venezuelan society to find means and compromises that would make the Constitution truly the law of laws, a system of values and rules under which all Venezuelans could find a way to settle their differences. Even the act of disagreeing calls for rules built upon a basic consensus about how members of society are to deal with their differences. That was what the Forum would seek to do.

I also said that, no matter what questions were raised about the unity or loyalties of the Armed Forces, I was certain that all their commanders and officers would strive to perform their duties in complete loyalty to the institutions of the Republic. I expressed my conviction that the Armed Forces were there to defend democracy, to protect the rule of law, to serve the institutions Venezuela had built for themselves through out their history. I said there would be time in the near future when, with the agreement of active military personnel, and in recognition of, rather than detriment to, their role, all sectors would agree to withdraw from political involvement, which, rather than enhancing their rights, has detracted from the performance of their essential functions.

I said all of us in the Forum well knew that impunity was the most harmful thing that could be done to Venezuelan democracy. Events as serious as those of April must be clarified, and the parties responsible must be punished according to law. I said it was imperative to find ways
to ascertain the truth and ensure an investigation that would sort out the facts, identify those responsible, and punish the guilty.

As for the need for an electoral solution to the country’s crisis, I said it was impossible to exaggerate the historical and fundamental importance of spokespeople from both camps arriving at agreements giving all Venezuelans the right to choose which of the two visions of Venezuelan reality they most supported—which of two ways to address the complex problems Venezuelans society must face at the beginning of the millennium.

I also said that, although it was imperative to abide by the Bolivarian Constitution, it was no less important that a solution to the grave impasse we were facing could only come from an agreement between the Government and the Coordinadora Democrática. That was because, among other reasons, different interpretations existed as to the implications of the constitutional provisions and their application in the form of judgments.

I also said that the parties to the Forum must understand that a solution would be satisfactory only if it arose from the agreement and was not considered damaging to their interests. I was certain that both the institutions of justice and the National Assembly would cooperate in guaranteeing the viability of the Forum’s agreements, and would do what was necessary to harmonize the overriding interest of the public with respect for the rule of law and constitutional order.

I then said that, although the parties had not assumed any obligations other than those expressly stated in the document on the operations of the Forum for Negotiation and Agreement, it was necessary to request, on behalf of the governments and peoples of the Americas, that they give the Forum a chance by refraining from statements or actions during those weeks that might erode the climate of understanding that should characterize the Forum’s proceedings.

For its part, the OAS Permanent Council adopted resolution CP/RES. 833, on December 16, 2002, in which it supported Venezuela’s democratic institutions and my efforts as facilitator and called for a constitutional, democratic, peaceful, electoral solution.

In addition, on a proposal by President Chávez, and under the coordination of President Lula of Brazil and the foreign minister at Itamaraty, a Group of Friends of the OAS Secretary General for Venezuela was formed to support the facilitation process; it comprised Brazil, Chile, Mexico, Portugal, Spain, and the United States. The group has met on various occasions and has issued a good number of statements that have helped to provide a context for the numerous incidents arising each day. I believe it has been highly useful, also, in moderating the positions of the Government, the Coordinadora Democrática, and the other parties, and in promoting negotiation.

**Summary of the facilitation process**

In order to understand how the process worked during the six months that the Forum (Mesa) lasted, it is worth retracing some of the most formative developments. The following is a brief summary of the highlights of the facilitation process.
It should be pointed out that the proposals put forward by the facilitator were done so at the request of the parties. There were times when the facilitator considered that it was important to propose an initiative, but before proceeding he consulted the parties and did not go ahead unless they agreed.

As we mentioned above, the Forum for Negotiation and Agreements was installed on November 8, 2002. Thereafter, its progress depended on how shifting circumstances affected its work. A case in point, which occurred in December 2002, was the Government’s takeover of the Metropolitan Police, the main grounds cited by the opposition reacted for calling a general strike. That turned into an indefinite strike, which PDVSA, the state oil company, then joined.

In December and the months following, the Forum focused almost exclusively on the problems derived from the nationwide strike. The Forum worked until December 2 at dawn, a few hours before the start of the strike called for by the opposition, to reach an agreement that might avert the situation. Although we came close to a settlement, that agreement did not materialize.

Once the strike had begun, the two parties went into the streets to publicly express their points of disagreement, which led to an explosive and dangerous atmosphere. The demonstrations were among the largest ever seen in the history of Latin America. In those weeks in Venezuela I learnt that Venezuelans have an enormous respect for life, greater perhaps than in many other countries of the region. If that were not the case, amidst so much tension and with so many clashes, there would surely have been far greater loss of life.

The resumption of meetings of the Forum served at that point to provide a permanent and simple channel of communication, which avoided many clashes, resolved numerous problems and incidents, and helped keep open ways to address any occurrence that might lead the country into political violence. In the course of those weeks, that became our principal concern.

At that time, the events in the Plaza Alta mira, where three people died, once again affected the Forum’s work. Until that time, the parties had used the Forum as a means of avoiding clashes in the streets triggered by the tensions of the day. Only a few of the objectives established in the Executive Summary had been partially dealt with. The Government had stopped attending the Forum because the strike had been called, but following the events in Plaza Alta mira, the Forum met again in plenary session to try and stem the escalating violence.

As of January, work began with the parties to try to dismantle the strike. This undertaking confronted a major obstacle in the marked difference in how the two parties perceived the situation. The Government argued that there was no need to discuss the matter since in its view the strike did not exist; it was simply a case of sabotage against the oil industry. The opposition, for its part, maintained its view that organized labor in almost the entire productive sector of the economy was on strike.

Once the strike situation returned to normal, the Forum began to work on an agreement against violence. Moreover, the parties asked me to present a proposal on implementation of
the Truth Commission. That proposal was presented to the parties. The *Coordinadora* accepted it, while the Government put off discussing it. The “Declaration against Violence and for Peace and Democracy” was signed on February 18, 2003. It categorically rejects manifestations of violence and intolerance and commits to maintaining and perfecting liaison among the political players representing the Government and the opposition.

Following this first agreement signed in the Forum, the process was largely determined by the political and judicial environment. Warrants were issued for the arrest of the President of Fedecámaras, Carlos Fernández, and the President of the Confederation of Venezuelan Workers (CTV), Carlos Ortega, as well as some PDVSA executives, for having promoted the strike. They were also accused of some criminal acts.

After that incident, the Forum began to work on one of its main objectives, namely, seeking an agreement to solve Venezuela’s crisis by electoral means, as envisaged in the Executive Summary. To that end and with a view to moving the Forum forward at a decisive moment since the parties were unable to find a common topic for discussion, President Jimmy Carter presented two proposals: on the one hand, the possibility of a constitutional amendment aimed at holding early elections; and, on the other, the possibility of holding a recall referendum, with agreements on the date and the manner of holding it.

From the time that proposal was made, the dynamics of the Forum changed and the parties focused their discussion on finding an electoral solution. Each of the parties commented on President Carter’s proposal, and on the basis of those inputs we began the work that led us to the agreements of May last year.

For its part, the Government stuck to its position on the recall referendum based on Article 72 of the Constitution as the only constitutional solution and it warned that the opposition would have to meet the constitutional requirements. For its part, *Coordinadora Democrática* assented to the Carter proposal and came down, finally, in favor of the recall referendum.

Following protracted discussions on their positions concerning the recall referendum, the two parties asked the Facilitator to draw up a working document reflecting the different views on the matter. Thus the Facilitator presented to the parties the document “Procedural Topics on the Recall Referendum for Discussion by the Forum for Dialogue and Agreement.”

The two parties received the document and decided to begin to work on an agreement on that basis. To put it in the form of an agreement, they decided to include various points that had been discussed by the Forum and agreed to by the parties during the preceding months. These points concerned respect for the Constitution, governance, the political climate, respect for the decisions of the different branches of government, the electoral solution, violence, respect for the ideas of others, and other issues. This time the parties came very close to an agreement.

I convened the Forum again on April 8, 2003 and we worked on the document I submitted to it for consideration. After three days of work, the two parties expressed their agreement on a text, which would serve as a basis for an agreement. Further, it was understood that the two
parties would submit the Forum’s agreement to their authorities for consideration, prior to formal signature. It was also explained that there was no obligation for the parties to sign if the text was not approved.

On April 24, the Government presented a new version of the provisional agreement document based on consultations and the approval of the social and political forces that supported it. The argument in that version was basically that the document could not express the presumption that the Government was not going to comply with legal and constitutional precepts, that are precisely specified in the law and in the Constitution and therefore did not need to be reiterated. For its part, the opposition insisted that it was essential to maintain the reference in the document to Article 184 of the Law on Suffrage and Political Participation, which establishes that the referendum must be held within 90 days following receipt of the corresponding signatures by the National Electoral Council. The opposition also considered that it was essential that the two parties expressly undertake not to amend the rules governing the referendum processes. Another essential point for the opposition was maintenance of the clear mention that international organizations would be prepared to provide the necessary technical assistance regarding electoral matters and disarmament of the population. Likewise, it was extremely important for the Coordinadora Democrática to retain the mention that the OAS, the Carter Center, and the UNDP would serve as guarantors, as stipulated in the Executive Summary.

On May 8 and 9, 2003, the third meeting of the Group of Friends was held in Caracas. It ended with an expression of support for our facilitation efforts and an exhortation to the parties to reach an agreement that would put an end to the crisis. The facilitator then undertook to work on a new text based on that approved by the Forum on April 11 and that presented by the Government on April 24.

The new version was submitted for consultation and sent to the parties. On May 23, the Government announced its intention to accept that text and to sign the agreement, and the Coordinadora Democrática followed suit on May 27. The Agreement was finally signed on May 29 in the city of Caracas in my presence and that of the representatives of the Carter Center and the UNDP. The Agreement was signed by the members of the Forum for Negotiation and Agreements, representatives of the National Government and of the political and social groups supporting it, and by the political and civil society organizations making up the Coordinadora Democrática.

The text of the Agreement testifies to the fact that, however significant the political differences, what unites Venezuelans is much greater than what separates them. As of the signature of the Agreement all parties committed equally to observing its precepts for the defense of the constitutional order; respect for the rule of law; the principles of tolerance and pluralism upheld in the Constitution; acceptance of the fundamental elements of nationality that oblige all to live in social and political coexistence; and the quest for a participatory, plural, robust, and genuinely representative democracy, in which social justice, tolerance, equality of opportunity, the rule of law, and democratic coexistence are the essential values.
They also said that these values must be held above any political or partisan strife and should shape policies, especially in key areas of social welfare. The Agreement reiterated the principles and mechanisms that had led us to the Forum and that were recorded in the Executive Summary agreed on by the parties at the time the Forum was established.

The Agreement expressed full adherence to and respect for the Constitution of the Bolivarian Republic of Venezuela. The two parties said that the rule of law is based on respect for the Constitution and for the legal system that underpins it. Any change in response to recent experiences with the political process had to be based on those rules and should preferably be made through consensus.

For the OAS, it is especially important that the Government and the opposition acknowledged the hemispheric commitment known as the Democratic Charter, which embodies the values that unite us all as, establishes the right of our peoples to live in democracy and the obligation of all—Government and citizens—to promote and defend it. Signing this agreement was a clear expression of respect and appreciation for those principles. The Agreement also recognizes the principles enshrined in the OAS Charter and the American Convention on Human Rights, which, with the Democratic Charter, generate the set of legal and political obligations that comprise and govern the inter-American system.

Both parties fully agreed that the monopoly of the use of force by the state, acting through the National Armed Forces and the metropolitan, state, and municipal police is a fundamental and inalienable prerogative needed to combat violence and guarantee the essence of a democratic state.

They also agreed on the need for disarmament as a key factor for putting an end to violence. Both parties acknowledged that in any case there was a need to rationalize, in accordance with law, the possession of arms by the police forces and any other national, state, or municipal security agency. In any event, none of those bodies should be used as an instrument for arbitrary or excessive repression or to engage in actions that condone political intolerance. Both parties agreed to undertake a vigorous campaign to effectively disarm the civilian population.

Likewise, they urged the political factions represented in the National Assembly to finalize the law on the formation of the Truth Commission, to enable it to help shed light on the events of April 2002 and cooperate with the judicial authorities in identifying and punishing those responsible for them.

Section 12 contains the principal achievement of the agreement. Pursuant to the objective established in the Executive Summary in the quest for a solution to the crisis through the electoral process, the parties agreed that that solution lay in applying Article 72 of the Constitution of the Bolivarian Republic of Venezuela. Undoubtedly, the possible application of Article 72, should these constitutional requirements be met according to the National Electoral Council, represents the peaceful and democratic solution based on the electoral system and the Constitution that the Forum for Negotiation and Agreements searched for so intensely. The Agreement also constituted the solution referred to in resolution 833 of the
OAS Permanent Council, which we all invoked as necessary or indispensable in this period of intense agitation, profound change, and huge disagreements in the institutional life of Venezuela.

Both sides agreed that it was essential that a reliable, transparent, and impartial Electoral Arbiter be appointed in the manner provided for under the Constitution. In one key part of the Agreement, the two parties stated their commitment to freedom of expression, as enshrined in the Constitution and laws of Venezuela, as well as in the American Convention on Human Rights and the Inter-American Democratic Charter.

The OAS, the Carter Center, and the United Nations expressed their willingness to provide any technical assistance that the competent authorities of the Bolivarian Republic of Venezuela might request for holding any type of electoral consultation. This technical assistance could range from preparatory or pre-electoral activities to electoral observation. Regarding direct support that may be given to the CNE, emphasis should be placed on the desire of these three organizations to collaborate, with both human and material resources.

The three institutions were thanked for their support and facilitation and, since the Agreement had been signed, their work was considered to have ended. The possibility of monitoring implementation of the Agreements was left open and it was hoped that international cooperation would continue.

Finally, both sides agreed to establish the permanent liaison mechanism contemplated in the Declaration against Violence and for Peace and Democracy by appointing two representatives for each side, in order to open up channels of communication, to take steps to ensure effective fulfillment of the provisions of that Declaration and the agreement; and to keep in contact with the international facilitation team whenever they consider it necessary.

When the Agreement was reached I expressed my profound admiration for the Venezuelan people, their institutions, and the democratic values they cherish so deeply. They gave us an extraordinarily warm welcome and treated us with great kindness. We performed an extremely difficult task that could have triggered a nationalist reaction that would have complicated our work enormously. Both the Government and the political groups supporting it and the Coordinadora Democrática deposited their trust in us and were highly conscious of how difficult our task would be, as we strove to maintain the impartiality needed to contribute with our insights to solving the crisis. Thanks to that understanding, I was able to perform my duties as a facilitator.

I said, too, that those who witnessed the signing with us were well aware of the intense difficulty of those times, which were fraught with dangers stemming from the magnitude of the significant differences between the Government and the opposition, the extreme polarization of the protagonists in Venezuela’s public life, and the impressively massive demonstrations in support of one cause or the other. One of the most important achievements of the Forum for Negotiation and Agreements had been to serve as an open channel of communication, especially during those heated moments, and as a facilitator for moderation and restraint of political passions, under any circumstances.
I noted, with admiration, that in Venezuela a single death was unacceptable, it was already excessive and generated profound mass indignation. There is an admirable respect for life in this country, of which all Venezuelans should be proud. I said that Venezuelans should not allow political violence to proliferate. Once it emerges, I said, decades might elapse before it is extinguished. When they signed that Agreement, the parties to that act were taking a definitive step to prevent that occurring.

I said that we all trusted that as a result of the difficult trials that had sorely tested Venezuelan democracy and, in particular, its democratic institutions over the past year, both those that had taken shape over almost two centuries of independent life and those that were emerging from this new political era had been considerably strengthened.

I added that if we wanted this process to follow its course, it was essential for all Venezuelans to rise to meet their obligations to their country, above and beyond political and party controversy. For that to come about, every action, every attitude, and every utterance had to reflect tolerance, pluralism, and respect for opponents, and eschew the confrontation and caustic language that had unfortunately prevailed until then.

Only thus would it be possible to achieve the reconciliation we had yearned for since the Declaration against Violence and for Peace and Democracy was issued, and which was also sought through the signing of the agreement. That reconciliation had to be compatible, I said, with the existence of conflicting political ideas, legitimate democratic competition, and the pluralism embodied in the Constitution.

I stated that it was especially important to inform citizens of political options objectively and impartially because that, as the agreement points out, would create a fitting climate for the recall referendums referred to in Article 72 of the Constitution.

I also said that in the midst of the intense debate then taking place in the Assembly on the Social Responsibility in Radio and Television bill, widely known as the Contents Law, it was imperative to ensure that in any law passed freedom of expression should emerge unscathed, as defined in the Agreement. A frank debate with journalists and the media is critical. It is not only useful but may be necessary for achieving that objective, which is so essential to the preservation of democratic values.

I also thanked the Group of Friends: Brazil, the United States, Mexico, Spain, Chile, and Portugal for their significant support in helping us to discharge our grave responsibilities.

I reiterated the offer of the OAS, the Carter Center, and the UNDP to provide such cooperation in electoral matters as may be requested of them, as stipulated in the agreement.

On behalf of the three institutions, I thanked the Government of President Chavez, Vice President José Vicente Rangel, the Minister of Foreign Affairs, the ministers who participated in the government delegation, the governors, the National Assembly deputies, and the other members of the Coordinadora Democrática for their efforts, their conscientiousness, their commitment, and their steadfast resolve to reach an agreement that had brought us to that moment of national understanding. I ventured that it was a time for profound reflection and of adjustment that would place Venezuela once again on the path of social stability.
respect for the rule of law, and observance of the constitutional system, as well as of growth, social justice, and prosperity for all.

Both the public and the private media were generous and considerate in their coverage of our contribution.

As Secretary General of the OAS, I expressed my gratitude to President Carter for his ongoing concern and support, as well as to his entire team. My thanks also went to United Nations Secretary-General Kofi Annan, who personally monitored the process in detail, in particular during the most heated and risky moments. And to Helena Martínez, Jennifer McCoy, and Francisco Diaz, key figures in the work and effective functioning of the Forum. To my Chief of Staff, Fernando Jaramillo, for his hard and capable work, and to the representatives of the OAS and the UNDP in Venezuela.

I ended by saying that in the agreement reached there were neither winners nor losers. It was a good agreement for all Venezuelans, for their democratic institutions, and for the future of each citizen, in particular the children of Venezuela.

How the Agreement worked out

The first step taken down the path to elections was the attempt in the National Assembly to appoint a new National Electoral Council. For several months, the Assembly had tried to perform that function, but the constitutional requirement of a two-thirds majority decision had prevented it. It implied full agreement between the Government and the opposition, which did not come about because of the difficulty of finding a fifth member to strike a balance when it came to decisions with a major political impact. In the end, the CNE was finally appointed by the Supreme Court of Justice, which invoked a judgment according to which a vacuum could not be left in the branches of government during the constitutional transition. Apart from the omission referred to in the law, the Court also cited the May agreements to support its decision.

The parties accepted the decision of the Supreme Court. Nevertheless, subsequently the Coordinadora complained of the lack of objectivity and about the bias with which the majority of the CNE’s members ruled on the process in a march calling for recall referendums.

After the OAS and Carter Center facilitation had ended, the Mission offered its good offices by participating in observation of the process. The OAS and the Carter Center were invited by the electoral authorities, with the blessing of the Government of Venezuela, to participate as observers of the signature gathering and verification process for recall referendums in respect of the President and some deputies in the National Assembly, on both the government and opposition sides. The OAS accepted the invitation and instructed the Unit for the Promotion of Democracy to start preparing for a mission to observe the signature collection process. For its part, the Carter Center also accepted the invitation and formed its own mission.

Observation of the aforementioned process was conducted within the framework of the Agreement on the Privileges and Immunities of the Observers, signed by the Government of

Based on its observations, the Mission considered that the signature-gathering process proceeded in an orderly fashion in an atmosphere of tranquility, transparency, and tolerance. The authorities and officers of the CNE, the armed forces responsible for security, and the people manning the collection centers went about their work in a professional and dedicated way. Although the mission observers reported isolated acts of intimidation, those citizens who went to register their signature in the centers set up for that purpose were able to do so.

The high percentage of those participating and the enthusiasm shown by the citizens who went to the various centers to give their signature demonstrated the will of the Venezuelan people to resolve their conflicts through elections. To that extent, the signature-gathering exercise by both sides constituted a clear civic demonstration in favor of a democratic and constitutional solution to the Venezuelan crisis.

The tranquil atmosphere accompanying the collection of signatures was, however, shattered on the last day by the denunciation of a "mega fraud" perpetrated by the President of the Republic, Hugo Chávez Frías. In a statement released on December 1, the Mission pointed out that it had noted the aforementioned denunciation with concern, as they could detract from the credibility of the process. The statement went on to say that the Mission considered that statements such as those at a time when the collection of signatures had not yet ended impaired the atmosphere of democratic coexistence in which the process had proceeded. At a press conference, I also pointed out that I trusted that both the President and the leaders of Movimiento V República that had described the process as fraudulent would formally submit their resignations to the CNE.

In order to obtain an estimate of how the process was going and to gauge levels of participation during the collection of signatures against the President of the Republic, the mission conducted a statistical sampling based on data collected by the observers over four days of signature-gathering at centers spread over 20 Venezuelan states.

In a subsequent report, we shall comment on the signature verification process and on the appeal against objections to signatures that for various reasons were not accepted by the National Electoral Council, as well as the outcome of that process of objections.

Some challenges for ongoing consolidation and defense of democracy in the Hemisphere

As I mentioned in previous sections and will repeat in subsequent chapters, we are at a juncture when we need to acknowledge that our destiny does not just depend on economic factors. They may not even be the most important. We have a responsibility to ensure that our political and economic institutions represent people and allow the community to feel that it participates in our political systems; that minorities are integrated into our society and feel
that they benefit from actions taken by our states; and that our states are able to meet their obligations and perform their principal functions.

We can state, quite unabashedly, that democracy in our Hemisphere is at a critical juncture. We cannot escape the difficult questions our citizens are asking themselves about our democracies. We cannot therefore just passively apply the principles of the Democratic Charter. We need a new political ethos, new social policy, better political parties, a more resolute commitment to fight poverty and improve income distribution, more competitive economies, and better educational systems. We require greater discipline in order to overcome fiscal slip pages. We cannot say we are powerless in the face of the consequences of globalization.

The crisis we are undergoing shows us that we have to restore faith in public institutions. We need more effective and more highly respected institutions. They must be in a position to monitor, regulate, and supervise. At the same time, we need democratic institutions that respect the rights of all citizens.

The meeting of Ministers of Foreign Affairs in Santiago, Chile was followed by the Summit of the Americas in Monterrey and the debate on democratic governance, growth with equity, and social development. That gave rise to the Declaration of Nuevo León, which emphasized the OAS’ responsibilities with respect to governance issues.

With regard to democracy, our governments have—through the Declarations and Plans of Action of the Summits of Heads of State and of Government of the Americas, resolutions of the OAS General Assembly, and ministerial meetings—generated an enormous number of mandates, tasks, and responsibilities for our Organization. In fact, the demands placed on the OAS in this and in many other respects have grown exponentially. Unfortunately, as I shall point out in greater detail in the chapter on management, the resources placed at the disposal of the Organization have declined substantially in real terms. I am referring here to the regular budget funds, not to external project financing. For that reason, I consider that it is essential to find immediate ways to increase the resources at the disposal of our Organization so that it can live up to its responsibilities for, among other things, the promotion and defense of democracy.

I hope that consideration is given to the large number of issues associated with the defense and consolidation of democracy that are dealt with in separate chapters: the fight against corruption and poverty; reform of the state; the various ministerial meetings, and capital flight issues, among others.

Clearly we have traveled a long road, but the one that lies before us is even longer and steeper. The OAS and the institutions of the inter-American system must continue focusing their efforts on preserving and defending democracy where it is in peril. This, however, will not be achieved without a significant improvement in the quality of the democracy offered to the American peoples. We cannot deny that democracy is threatened by the considerable weight of its faults and failings.
To prevent the inevitable, the region must embark upon reforms to correct weaknesses in the way the state renders public services and performs basic functions. This will require concerted effort by governments, civil society in our countries, and multilateral institutions, among others, and an extraordinary effort at cooperation and solidarity as announced in Monterrey, both at the International Conference on Financing for Development and at the Special Summit of the Americas.