



# The Organization of American States (OAS)

Mônica Herz



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# **The Organization of American States (OAS)**

Global governance away from the media

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# 1 The history of the OAS

- **Building the multilateral scene in the Americas**
- **The Cold War**
- **The OAS after the end of the Cold War**
- **The structure of the OAS**
- **Conclusion**

On 9 May 1948, the 21 ministers of foreign affairs of the Americas met in Bogotá, Colombia to sign the Charter of the Organization of American States.<sup>1</sup> In this chapter I investigate the process that led to this symbolic moment in the history of the Western Hemisphere and look into the two main phases of the development of the organization: during and after the Cold War.

The historical processes that generated the conditions for the creation of the OAS are both regional and international. On one hand, we need to understand the building of a multilateral experience in the Americas. On the other, we need to look at the role of regional organizations in the context of the restructuring of international politics that occurred during and after the end of World War II and again after the end of the Cold War.

The OAS is the result of a long process of bridge building between the countries of the Western Hemisphere.<sup>2</sup> During this time, the norms of non-intervention, international legality, territorial integrity, and peaceful settlement of disputes were developed in the context of multilateral and bilateral relations. The experience of signing multilateral treaties, setting up cooperation agencies and attending regional conferences led the way for the creation of the OAS. In order to understand this process, we must look back into the nineteenth century. The first task of the present chapter will be to explore this historical process.

The creation of the OAS inaugurated the process that led to a particular role in governance for regional organizations and regional cooperation during the second half of the twentieth century. When World War II ended, the world was being reorganized in order to support a smoother development of capitalism and liberal democracies, allowing at the same time for the coexistence of two very different forms of social, political and economic structures—communism and capitalism. It was necessary to adapt the inter-American system to this new international reality, in particular to the institutional format generated by the United Nations. The OAS Charter was produced in this context. In fact the Cold War framed international relations during most of the time of the existence of the OAS, and the manner in which the dispute between the two superpowers and the

two social systems which they represented took shape in the Americas marked the history of the OAS. An analysis of this reality can be found in the second part of this chapter.

The end of the Cold War inaugurated a period of debate on change and continuity in the international sphere. The agenda most definitely was altered, incorporating new themes connected by a web of norms, networks, new flows of information and concerns with governance at every level. The inability of states to deal with this new agenda, the need for greater coordination and cooperation, new actors from individuals to transnational social movements, the use of violence by non-state actors, the destruction of the environment and the rapid spread of epidemics are part of this conversation. Regional organizations have been portrayed as complementary to international organizations, to concerts of great powers, to states and other actors in dealing with an array of issues. In this context, a process of socialization of regional institutions has been taking place since the 1990s, producing new institutional designs, activities and debates. The third part of this chapter will shed an initial light on this process.

Finally I shall present the organizational structure of the OAS, allowing for an understanding of how it works and how the institution takes part in the building of global governance.

### **Building the multilateral scene in the Americas<sup>3</sup>**

Latin America is a region of mostly small countries and has dealt, since the independence wars of the 1820s with the disputes between great powers—such as Great Britain and France, or the United States and the Soviet Union—over influence and resources. After the end of the Second World War, the dominance of the United States was put at the center of the debates on the world role and position of Latin American countries.

In this context multilateralism<sup>4</sup> has been viewed by national elites as a form of protection from the asymmetry of power and disputes over influence between great powers that marks the international insertion of the region, and the ideas of equal sovereignty, non-intervention, and international legality were put forward in the process of generating a multilateral practice. A rule-based system and the lawful and peaceful resolution of controversies are seen to preserve the sovereignty of countries lacking significant power resources. The legalist tradition, profoundly rooted in Latin American international culture and also relevant in inter-American relations more generally, is firmly associated with the norm of peaceful conflict resolution and reinforces it.

As the process of transfer of violent conflict to the international realm, according to trends established in Western Europe,<sup>5</sup> evolved, regional leaders understood the need to develop norms that would protect the state from the excessive power of external actors. This trend was part of a wider process of construction of shared meanings and inter-subjective structures.<sup>6</sup> A common language emerged, incorporating standards of legitimacy that emphasized the role of international law and diplomacy. Beth Simmons, for example, notes that there is a “propensity” to “submit to authoritative third-party legal rulings” in the region.<sup>7</sup> Andrew Hurrell, on the other hand, refers to a “diplomatic culture.”<sup>8</sup>

It is indeed possible to identify a regional culture largely because of the level of interaction between most regional elites since independence. The history of treaties, organizations, and diplomatic negotiations, particularly since the end of the nineteenth century, allows us to refer to elements of continuity regarding practices of peaceful conflict resolution. But it is by no means static or “finished.” The ideas regarding the role of law and diplomacy and the emphasis on multilateral institutions only survive because they are re-enacted in discourse and constitute part of the identity of ruling elites in Latin American countries in particular. Indeed, lately this trend has been re-enacted. In 1998, Peru and Ecuador finally settled their boundary dispute after several conflicts, and relations between Brazil and Argentina and between Argentina and Chile improved based on successful diplomatic negotiations after the mid-1980s.

These ideas are part of the ongoing building of a complex relation between the region and the international system where specificity and Western culture are bound by history. Thus the ideas of conflict resolution and international legality are imported, created and reinvented in the Americas.

From the 1820s, the Spanish-American movement, led by Simón Bolívar, sought to create a confederation of Hispanic-American states to protect those newly independent states from European intervention. In 1826, during the Congress of Panama, treaties referring to security and economic cooperation were signed. At that point the idea of regional solidarity in the realm of security was introduced. Bolívar's aim was to establish a union of Spanish America. Mexico, Gran Colombia (Colombia, Venezuela, and Ecuador), Peru and the Central American Federation were present. The United States and Brazil were obviously absent. The delegates agreed to defend the independence and sovereignty of the countries of the Americas against foreign domination. During the following decades other meetings occurred: in 1847 in Lima, in 1856 and again in 1864 in Santiago, where treaties were negotiated and the ideas of solidarity, peaceful resolution of conflict and non-intervention were slowly incorporated to the international norms governing Hispanic America.

In 1868, the first of two important legal doctrines of international law was devised. These doctrines set a legal framework for inter-American relations and sought to impose legal constraints on the United States and European countries with strong interests in the region. Carlos Calvo, an Argentinean diplomat and legal scholar, argued in his 1868 book<sup>9</sup> that nations were not entitled to use armed force to collect debts owed to them by other nations or individuals. The Calvo Doctrine contributed to the establishment of the principles of sovereign immunity from external intervention and equality between states in the Americas, and has since been incorporated as a part of several Latin American constitutions, as well as many other treaties, statutes, and contracts. The doctrine puts forward the principle that jurisdiction over international investment disputes lies with the country in which the investment takes place, impeding intervention by the alien nation before exhausting all local resources. The Drago Doctrine of 1902—named after the Argentine foreign minister, Louis Maria Drago—reaffirmed the Calvo Doctrine and further stated that public debt cannot occasion armed intervention or occupation of the territory of American nations. Minister Drago invoked this doctrine to call upon the United States to help prevent armed intervention by Great Britain, Germany, and Italy against Venezuela for reasons of debt. These ideas had a very strong impact on the development of international relations in the Americas, putting forward the ideas of equal sovereignty, non-intervention and international legality.

Towards the end of the nineteenth century, the involvement of the United States in inter-American multilateralism changed its scope and nature. The United States became more interested in Latin America after the end of its Civil War, as it emerged as a great power in the international arena.<sup>10</sup> Thus at the first International Conference of American States held in Washington, the United States was present for the first time at a multilateral inter-American meeting. The International Union of American Republics was created at that point, serving to encourage closer commercial relations between the countries of the Western Hemisphere. The Commercial Bureau for the International Union of American Republics was formed and made available information pertinent to commercial and economic relations. Between October 1889 and April 1890, delegates discussed an array of subjects pertaining to the stabilization of relations between these different societies in line with a generalized concern among Western elites at the time regarding the elaboration of common norms and rules that would facilitate contact, commerce and legal procedures. The Calvo Doctrine was also recognized, thus affirming the sovereign rights of the countries of the region.

At this point the idea of a region called America incorporating the entire Western Hemisphere started to acquire political relevance for the continent.

Thomas Jefferson and Alexander von Humboldt had referred to the Western Hemisphere, stressing the difference between the Old World, or Europe, and the NewWorld of the Americas by the beginning of the nineteenth century.<sup>11</sup> It was applied to the latter in the Monroe Doctrine of 1823, but at that point the leadership in Washington did not have the means to regionalize international politics.

The presence and influence of the United States led to a shift in the focus of multilateral interaction from security and sovereignty issues to economic mechanisms of cooperation. A permanent secretariat was set up in Washington, DC. At the second Conference, in 1901, it became the International Bureau of American Republics; then at the fourth Conference in 1910, it was once more renamed the Pan American Union. The US secretary of state was the chairman of the Union and the United States had tight control over the conference agendas. Created to promote international cooperation, it offered technical and informational services to all the American republics and served as the repository for international documents. In addition the International Commission of Jurists created in 1906 had the function of drafting codes on international law and state rights.

Functional organizations became part of the inter-American multilateral scene at the beginning of the twentieth century, in line with an historical trend observed in European international relations. Significantly, the issue of communication was on the agenda of leaders in the Western Hemisphere. The first Inter-American International Conference adopted two resolutions regarding communications: the first one recommended that the 18 participating countries promote telegraphic lines with regular services and equitable tariffs as a means of improving communication across the region. The second resolution recommended that countries on the Pacific Ocean promote maritime, telegraphic and postal communications.

The Pan American Sanitary Bureau was created in 1902, in response to a yellow fever outbreak that had spread from Latin America to the United States. It was the first inter-American bureau established by the Pan American Union and the first international health agency in the world. Today it is called the Pan American Health Organization (PAHO).

The fifth Inter-American International Conference created the Inter-American Electrical Communication Commission in May 1923. In 1927, the Inter-American Children's Institute was set up. The Inter-American Commission for Women was established in 1928, at the sixth International Conference of American states, largely as a result of pressure from teachers seeking equal gender rights. It has been developing projects against gender discrimination ever since. In fact it was the first official intergovernmental agency in the world created



expressly to ensure recognition of the civil and political rights of women. In 1928, a second organization was created: the Inter-American Institute of Geography and History (IAIGH), which is a scientific organization working in the field of cartography, geophysics, geology and history. In 1949, one year after the signing of the Charter of the OAS, the institute signed an agreement with the organization and became its first specialized organization.

The Inter-American Indian Institute was created in 1940 in order to deal with the specific needs of indigenous populations. An endeavor to study tropical plants in 1942, in the context of World War II, and the loss by Allied countries of control over land that produced rice, rubber, tea and medicinal plants, was the origin of the Inter-American Institute for Cooperation on Agriculture.

Only after President Franklin D. Roosevelt launched the "Good Neighbor Policy" in 1933, did the government in Washington agree to widen the agenda of inter-American conferences to include security and political issues. The United States had opted for a new approach, leaving aside the interventionist policies of previous years. In 1933, the Convention on Duties and Rights of States expressed this change in approach. It reaffirmed the principle that "States are juridically equal, enjoy the same rights, and have equal capacity in their exercise,"<sup>12</sup> reiterated the principle that no state has the right to intervene in the internal or external affairs of another, and underscored the obligation of all states "to settle any differences that might arise between them through recognized pacific methods."<sup>13</sup>

The concepts of non-interventionism and the peaceful settlement of disputes were thus signed into inter-American treaties. This allowed for disputes between states to be treated as a collective problem and for the idea of peaceful settlement of disputes to be incorporated into the hemisphere's institutions.<sup>14</sup>

At the inter-American conferences, states agreed that ministers of foreign affairs were to be mobilized when the security of the region was threatened. IS The Meeting of Consultation of Ministers of Foreign Affairs was set up in 1938 in order to deal in a negotiated manner with regional crisis.

World War II united most of the region in a mutual security mechanism and three consultation meetings were held between ministers of foreign affairs: in Panama in 1939, in Cuba in 1940, and in Brazil in 1942. The dispute between the United States and Germany over influence in the Americas had been clearly won by the former by the beginning of the 1940s and it was possible to institutionalize the position of the region in world affairs in a well delineated manner.

During the Inter-American Conference on Problems of War and Peace, which took place in Mexico in 1945, three basic documents were drafted: a treaty of reciprocal assistance;<sup>16</sup> a basic constitution for a regional organization; and a

treaty to coordinate and consolidate agreement on the pacific settlement of disputes. At this point the region was already geared toward preparations to adapt to the new United Nations.

Two years later, at the Inter-American Conference for the Maintenance of Peace and Security in the Continent, which took place in Rio de Janeiro, a different permanent arrangement was drafted- the Inter-American Treaty of Reciprocal Assistance (IATRA), or the Rio Treaty. 17 The treaty provides for mutual defense and defines an attack on one state as an attack on all. Thus the concepts of collective security and collective defense were incorporated into the region. 18 Article 6 of the treaty establishes that the organ of consultation, which comprises all states, should meet if an aggression against a sovereign state takes place. It should also be responsible for the pacific settlement of disputes. It has the authority to call upon contending states to suspend hostilities and restore matters to the status quo ante bellum (Article 7).

A two-thirds majority makes decisions, there is no veto system and decisions regarding sanctions are binding.

Finally, at the ninth international conference of American states in 1948, the OAS became the first regional organization that would allow for the realization of the principles contained in Chapter VIII of the UN Charter, namely that regional organizations should play a part in the peaceful settlement of disputes and that their role in peace enforcement is subordinated to the UN Security Council.

The American Declaration of the Rights and Duties of Man and the Pact of Bogota were also signed during that meeting. 19 The Conference also adopted the Inter-American Convention on the Granting of Political and Civil Rights to Women,20 as well as the organic statute of the Inter-American Commission on Women that, as we have seen, had existed independently since 1928.

In December 1948, a border conflict between Costa Rica and Nicaragua became the first instance in which the OAS and IATRA were invoked to deal with a security threat in the region; the OAS was able to facilitate the drafting of the pact of amity, signed by the parties in 1949.21 A record of positive results in crisis management thus began with this first case.

## **The Cold War**

The history of the Cold War in the Americas and the history of the OAS are intertwined in a very significant way. The organization was created at the dawn of the Cold War in the region that was to be established as the US's sphere of influence, according to the norms that framed the policies of the two superpowers

and defined international politics during the period. 22 An ideational marriage between the Monroe Doctrine and the Containment of the Soviet bloc took place, allowing for collective action against any country moving away from Washington's influence.

Thus intervention in Central America and the Caribbean was built as a corollary of the principle of non-intervention.<sup>23</sup> The logic behind this idea was understanding intervention in terms of the infiltration of alien, hostile ideas.

The definition of threat was framed in Cold War terms for the first time at the tenth Inter-American Conference in Caracas, in 1954. At the urging of US secretary of state John Foster Dulles, the "Declaration of Solidarity for the Preservation of Political Integrity of the American States against International Communist Intervention" <sup>24</sup> was passed.

Thus the United States had legal and political backing to intervene in Guatemala against the Arbenz regime. The declaration defined a government under communist control as a threat to the hemisphere.<sup>25</sup> Washington inaugurated at that venue a series of accusations that Latin American leftist regimes were a Soviet bridgehead in the hemisphere. <sup>26</sup>

The text is not subtle:

*...the domination or control of the political institution of any American state by the international communist movement, extending to this hemisphere the political system of an extra-continental power, would constitute a threat to sovereignty and political independence of the American States, endangering the peace of America, and would call for a Meeting of Consultation to consider the adoption of appropriate action in accordance with existing treaties.<sup>27</sup>*

The OAS was the site where the domestic political and social processes of change were defined in Cold War terms, where an existential threat to the liberal democratic system was framed as a threat from an outside power and where the insulation of international politics in the region from more diversified and pluralistic political processes took place.<sup>28</sup> It was an important social space where the US government could enact the 1964 Mann Doctrine that set the logic for the dispute between the Soviet Union and the United States in the Americas and made stability rather than democracy the prime goal of US policy in Latin America during the Johnson administration. Non-intervention acquired an additional meaning, i.e. allowing friendly dictatorships to produce stability and predictability.

The treatment of the Cuban Revolution and the Dominican Republic political crisis of 1965 within the same framework followed. The Declaration of San Jose, <sup>29</sup> issued during the seventh meeting of foreign affairs ministers in August 1960, again explicitly makes use of Cold War discourse, mentioning the threat of extra-

continental intervention by the Soviet Union and China and that the inter-American system is incompatible with any form of totalitarianism.

When the Cuban Revolution took place in 1959, the United States aimed at establishing that the government in Havana represented an extra-continental threat to the hemisphere. After the Bay of Pigs blunder, the US government sought to reinforce the connection between revolutionary change in Latin America and the Monroe principles, in other words re-enacting the marriage between the Monroe Doctrine and the policy of containment.

The isolation of Cuba within the Americas was enacted in the context of the OAS. The government of Cuba was suspended during the eighth meeting of consultation of American ministers in January 1962.<sup>30</sup> The resolution established that "adherence by any member of the Organization of American States to Marxism-Leninism is incompatible with the inter-American system."

During the 1962 missile crisis, when the installation of middle-range missiles in Cuba by the Soviet Union generated one of the gravest crises of the Cold War, the council met as the consultation organ of the IATRA in order to decide on the isolation of Cuba. The case could not be taken to the UN Security Council, where the Soviet veto would block any decision.

In October 1962, the United States learned that the Soviet Union had deployed medium-range ballistic missiles in Cuba. President Kennedy announced a quarantine and sought legitimacy and support on a regional level. The OAS states met and adopted a unanimous resolution encouraging member states to participate in the quarantine. The resolution recommended that necessary measures be taken, including the use of armed force, to ensure that Cuba could not continue to receive missiles from the Soviet Union.<sup>31</sup>

Only in 1975 did an OAS resolution allow each country to choose to restore diplomatic relations with Cuba.<sup>32</sup> Finally, on 3 June 2009, the Ministers of Foreign Affairs of the Americas adopted a resolution which states that the 1962 resolution that excluded the government of Cuba from participation in the inter-American system ceases to have effect.

The 2009 resolution states that the participation of the Republic of Cuba in the OAS will be the result of a process of dialogue initiated at the request of the government of Cuba, and in accordance with the practices, purposes, and principles of the OAS.<sup>33</sup>

In 1965, the US government intervened in the political crisis taking place in the Dominican Republic. The strategy adopted by Washington involved supporting the anti-constitutional forces that were trying to avoid the return to power of Juan Bosch, the president elected two years earlier and ousted by a coup d'état. <sup>34</sup> After the invasion of the country by American forces, the OAS was used to legitimize the process. The organization not only failed to condemn the

violation of Article 18 of its own Charter forbidding intervention in internal affairs of any state, but was also the forum where the Inter-American Peace Force which replaced US forces was generated. 35

The 1960s can be characterized as the period when the OAS was most clearly used as an instrument of US foreign policy, partly because many countries in the region accepted the bipolar ideological view of international relations sponsored by the United States. On the other hand, the loss of legitimacy of this forum followed suit.

The OAS was marked by the Cold War experience of its first two decades while many Latin American countries were diversifying their international relations in the late 1960s and 1970s. Social changes were generating new demands and new political processes. Although the North-South agenda arrived at the OAS mildly, attempts were made to give more relevance to social and economic issues.

On the other hand, the US government chose to pay greater attention to the socio-economic stability of the region in light of the risk of having communist regimes installed at its borders or within the hemisphere. In 1961, John Kennedy's administration launched the Alliance for Progress, a program designed to support economic and social reform in Latin America. Between 1959 and 1965, US policies linked developmentalism to a definition of security that took into account economic and social progress. In tune with this perspective and addressing social and economic concerns of other American countries, the new protocol to be approved sought more action on the economic and social fronts.

The Protocol of Buenos Aires of 1967,<sup>36</sup> the first significant change to the 1948 Charter, was the result of an attempt to maintain the relevance of the organization in view of growing tension between the United States and Latin America countries. Only in 1970 did it become effective. Thus new councils were created to deal with social, cultural, scientific, educational and economic issues.

The modernization of the organization was seen as crucial at that moment. The General Assembly was established as the ultimate decision body of the organization substituting the inter-American conferences, convened every five years until the 1960s. The assembly was required to meet once a year. The Permanent Council substituted the previous council. The tenures of the secretary-general and the assistant secretary-general were reduced from ten years to five with the possibility of one re-election. Nevertheless, it would take more dramatic changes in the region, in the foreign policy of major players and in the international system, to allow the OAS to acquire renewed relevance.

International transformations once more knocked on the OAS's door as a new wave of the decolonization movement arrived in the Caribbean. The OAS

was at the time one of the forums where discussions of these new memberships were a source of much disagreement.<sup>37</sup> Beginning in 1967, former British Caribbean dependencies gained independence and joined the OAS. The Protocol of Buenos Aires included provisions for the admission of new members, with the exception of countries with territorial disputes with member states. Trinidad and Tobago and Jamaica applied for membership in 1967 and Barbados followed suit in 1969.<sup>38</sup> Belize and Guyana, in accordance with original Charter provisions, were not allowed to become members because of unsettled boundary disputes with member states Guatemala and Venezuela. respectively: but the 1985 Charter amendments dropped the membership-denial provision, and Belize and Guyana both joined in 1991.

The most positive area of activity in the 1970s, continuing into the 1980s, was the reinforcement of human rights protection mechanisms within the OAS. The inter-American human rights system had existed since the adoption of the American Declaration of the Rights and Duties of Man in 1948.<sup>39</sup> but only in 1969 was the American Convention on Human Rights <sup>40</sup> agreed to. It went into effect in 1978 for the ratifying states, expanding the authority of the Inter-American Commission on Human Rights and establishing the Inter-American Court of Human Rights (IACourt). In fact, the Protocol of Buenos Aires had set the scene for greater emphasis to be placed on democracy and human rights in its Article 112.

During the decade after 1979, the importance of the OAS declined even further. The United States pursued its Central American policies with only peripheral reference to the OAS, and Latin Americans, in turn, went outside the system to make their most important multilateral peace proposals the Contadora initiative and the peace plan initiated by President Oscar Arias of Costa Rica, known as "Esquipulas II." The United States invaded Grenada in October 1983, entirely ignoring the OAS Charter. In 1982, during the Malvinas/Falklands Islands crisis and war, the OAS could only declare its verbal and moral support for Argentina, demand an end to the United States embargo against this South American country, and recommend that countries in the region support Argentina. As the United States favored the United Kingdom's position at the time, the collective security mechanism was not put into use. The OAS's inaction during the 1980s conflicts in Central America, <sup>41</sup> the marginal role it played in the Falklands/ Malvinas War and the US unilateral decisions to intervene in Grenada in 1983 and Panama in 1989 led to greater emphasis on ad hoc regional arrangements, such as the Rio Group, the summit meetings, the Meeting of Defense Ministers, or the Guarantors of the Peru-Ecuador Treaty.

A view of the diplomats who served as secretary-general during the period (see Table 1.1) sheds further light on the manner in which up to the 1980s the

organization was greatly marked by the Cold War environment mentioned earlier. Distinguished diplomats, three former presidents and members of the elite that had strong ties with the United States served in the organization's highest post. Only the choice of the Brazilian diplomat João Clemente Baena Soares in 1984 signaled the perception that the organization needed to find a more relevant and independent role for itself, and indeed he did lead the organization toward a role in peacekeeping and the stabilization of democratic regimes.

*Table 1.1* OAS secretaries-general during the Cold War

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Alberto Lleras Camargo (Colombia)	1947–1954
Carlos Dávila (Chile)	1954–1955
José Mora (Uruguay)	1956–1968
Galo Plaza Lasso (Ecuador)	1968–1975
Alejandro Orfila (Argentina)	1975–1980
Alejandro Orfila (Argentina)	1980–1984
João Clemente Baena Soares (Brazil)	1984–1994

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### **The OAS after the end of the Cold War**

In the late 1980s, as inter-American cooperation progressed in the post-Cold War era, interest grew in resuscitating the OAS. In the late 1980 and early 1990s a reflection on the role of the OAS was generated within the organization. A group of wise men on the inter-American system and other committees were created and inter-secretariat reviews were established.

During the first part of the 1990s, security issues involving threats from non-hemispheric entities were nonexistent, although a number of intra-regional situations remained problematical. The promotion of democracy and free trade were declared overarching purposes in regional forums. The pressing common problems, such as numerous economic questions, immigration and refugee policies, drug trafficking, human rights, and environmental concerns, were to be dealt with within this liberal-democratic framework. Long-standing inter-American tensions seemed to be transcended by an evolving consensus that hemispheric relations were best approached within established institutions designed to emphasize compatible interests and accommodate differences.

The OAS achieved universal regional membership of the 35 sovereign American states in 1991 when Belize and Guyana joined the organization. Canada joined in 1990 and subsequently played a relevant role in revitalizing the organization at a time when trade and investment with countries of the

hemisphere were becoming more relevant. Canadian defense of a new role for the OAS in propping-up democratic regimes has been particularly significant and it strongly supported the creation of the Unit for Promotion of Democracy (UPD). Its independent foreign policy toward Cuba, in particular its resistance to the Helms-Burton Act of 1996, has stimulated the view that the United States would not be able to count on its northern neighbor to support its positions indiscriminately. In April 2001, it hosted the Quebec Summit of the Americas in an act of celebration of its new hemispheric role.

In this context, an attempt to redefine the role played by the OAS has been made, prompted by a wide sense of failure. The new consensus on democracy in the region, the admission of Canada in 1990, different interests of regional actors, and the wider debate on the redefinition of the concept of security. At the same time, policy makers and academics engaged in debate on the new role of the OAS. 42

One of the most relevant events in the process of rebuilding the OAS took place in Miami in December of 1994. The launching of the presidential-level summit process at that moment was intended to consolidate democracy and facilitate negotiations for a Free Trade Area of the Americas (FTAA) agreement under the hegemony of the United States. The Meeting of Heads of State of the Americas gathered 34 American leaders and adopted an action plan that was a guideline and a mandate for the OAS's new activism. In fact, this first Summit of the Americas was a turning point in hemispheric institution building. 43 A two-level structure was created: the summits of heads of state and ministerial conferences.

Cesar Gaviria, 44 elected general secretary in 1994 and re-elected in 1999, was responsible for the first institutional changes that were essential conditions for the incorporation by the OAS of its new tasks. He was also involved in numerous fact-finding efforts and exercised his good office tasks with determination, in particular in Venezuela in 2003 and 2004.

During this phase the control the United States had over the OAS, in spite of the attempt to launch a hegemonic project at the beginning of the 1990s, has been diminished. The most powerful country in the region is no doubt a crucial player but it was only possible to revive the OAS in the post-Cold War environment because the organization could then no longer be portrayed as fundamentally an instrument of US foreign policy. The shift toward the left in many countries, the diversification of their foreign policies, the abyss between the main US interests and objectives for the region, such as drugs, terrorism, and migration, and the focus of Latin American governments, apart from the lack of a clear strategy emanating from Washington, put the United States in a very different position in the hemisphere. Thus the meaning of multilateralism within



the OAS has gradually changed. The election of Jose Miguel Insulza, Chile's interior minister, as secretary-general in 2005, instead of Washington's two chosen candidates (Francisco Flores from El Salvador and Luis Ernesto Derbez from Mexico), and the failure to implement the proposal to establish a committee to monitor the quality of democracy among the states of the region, are expressions of this new reality (see Table 1.2).

New themes, such as democratic governance, environmental issues, drug trafficking, terrorism, and migration, have emerged in the foreign relations of the region and have been debated within the OAS. The range of activities in which the organization has been involved has grown notably and new capabilities have been generated.

*Table 1.2 OAS secretaries-general after the end of the Cold War*

César Gaviria Trujillo (Colombia)	1994–2004
Miguel Angel Rodriguez (Costa Rica)	September–October 2004
Luigi Einaudi (United States)	October 2004–May 2005
José Miguel Insulza (Chile)	2005–today

Several institutional changes have taken place and new agencies were created such as the Committee on Hemispheric Security, the UPD, the Inter-American Drug Abuse Control Committee (CICAD) and the Inter-American Committee against Terrorism (CICTE). The Education for Peace Program was also created.<sup>45</sup> The OAS has become active in fostering confidence building measures and landmine clearing and has continued its work on the dialogue on border disputes and attempts to prevent conflict. The secretary-general acquired new responsibilities. He or she is now authorized to bring to the attention of the General Assembly or the Permanent Council matters which might threaten the peace, security or development of member states.

The effort to reshape the organization also should be understood in the context of the generation of the idea that peace is a regional asset.

The vision of a peaceful and stable region, in contrast to other parts of the world, is perceived by national elites of several countries as an advantage in the context of the current dispute over international investment flows. At the same time, policy makers and academics undertook a debate on the new role of the OAS, as the literature quoted earlier testifies.

The 1990s brought a new sense of urgency regarding the role the

OAS could play in the economic sphere; the understanding that regional development was in the interest of American countries was coupled with the understanding that the organization had never been effective in this area. Thus the organization has acted both in support for specific projects and the generation of cooperation between the countries of the region.

The OAS's normative consensus regarding economic development in the 1990s was in accordance with the so called "Washington Consensus." and regional integration was promoted as a step towards globalization 46

In line with this logic, the organization provided technical support for the negotiations of the Free Trade Area of the Americas (FTAA) in conjunction with the Inter-American Development Bank (IDB) and the Economic Commission for Latin America and the Caribbean (ECLAC).

In this context, a trade unit and the electronic system of information about trade (SICE) were created.

At a special session of the General Assembly in Mexico Cit in 1994 the idea of integral development was put forward and has been fostered by the Inter-American Council for Integral Development, which answers directly to the General Assembly.<sup>47</sup> as shown in Figure 1.1 below. The definition of integral development is broad and includes social and environmental issues and is based on the principles of market economy and liberal democracy.

In the following decade the stress on development and dealing with poverty can be verified clearly. The Executive Secretariat for Integral Development was established by Secretary Miguel Insulza to support projects in the field of culture, education, science, tourism, labor, sustainable development, environment, and trade. The secretariat supports networks of policy makers, researchers, practitioners, and international governmental and non-governmental organizations, thus having an impact on social interaction and on the flow of knowledge in the region.

The organization today supports projects in several other areas such as scientific research transfer and exchange of technology, tourism, sustainable development, market liberalization, education, and modernization of the public sector (including electronic government initiatives). Between 1997 and 2007, 26 percent of resources were allocated in the field of education and 22 percent in the field of science and technology.<sup>18</sup>

Following a trend present in other multilateral forums, the OAS has pursued stronger ties with nongovernmental organizations since the 1990s.

Several resolutions of the Permanent Council and of the General Assembly mention the need and the mechanisms to enhance relations between the OAS and nongovernmental organizations. Specifically, two resolutions from 1997 and from 1999 refer to the new status of nongovernmental organizations in the OAS

context. 49 The promotion of the registration of civil society organizations and their participation in OAS activities became a task of the secretary-general. The relation was institutionalized and these organizations became part of the normal schedule of meetings. Today 308 nongovernmental organizations take part in OAS activities as registered entities, through invitation and through cooperation agreements, and a significant flow of information allows for input into the design of programs and strategies. This move is part of a broader process that Andrew Cooper calls a transition to "networked multilateralism," based on a dynamic that seeks domestic political change and challenges the norm of non-intervention. 50

Cesar Gaviria was the secretary-general who led the organization through crucial transformations, in particular its new role in the area of stabilization of democratic regimes. When José Miguel Insulza became secretary-general, after a period of difficult negotiations leading to his election, the United States' drive towards a multilateral system in the region under its leadership had lost steam and Insulza is still today trying to design an organization that reaches out to Latin American countries and finds a role in the new plural institutional architecture of the region.

## **The structure of the OAS**

Originally three bodies constituted the organization's structure: the meeting of consultation of ministers of foreign affairs, the inter-American conferences and the council, but the amendments mentioned earlier and administrative reforms led to an institutional framework as described in the next paragraphs.

The Charter of the OAS is the basic constitution for this Western Hemispheric regional organization. It has been substantially amended on four occasions, by protocols approved in 1967 (Protocol of Buenos Aires), 1985 (Protocol of Cartagena das Indias), 1993 (Protocol of Managua), and 1992 (Protocol of Washington), which went into force respectively in 1970, 1988, 1996 and 1997. Today the Charter has been ratified by all 35 nations of the hemisphere, although only 34 countries are active members, as Cuba has been suspended since 1962 and did not choose to rejoin the organization after the 2009 resolution allowing it to do so.

The decision making process of the OAS is based on a classical definition of sovereignty where states have equal rights. The actual distribution of power is not expressed in the formal procedures and the sovereignty of each state is treated as equal since there is no veto power or proportional distribution of voting power. The organizational culture stresses consensual decision making, which reinforces the notion of equality between states and constraint on intervention in

domestic affairs.<sup>51</sup> Moreover the organization has no mechanism to enforce a collective decision such as an embargo.

As seen, all 35 countries of the Americas are members of the OAS. Since 1997, countries may be suspended from participation if democratically constituted governments are overthrown. Countries may also choose to leave the OAS and denounce the Charter according to its Article 143.

An overview of the internal governance structure of the OAS is a crucial step in the understanding of this organization. The supreme organ of the OAS is the General Assembly. It is composed of the delegations accredited by the governments of the member states.<sup>52</sup> It decides on the policies of the organization, determines the functions and structure of different organs, and approves the budget. The decision making process is based on the one country/one vote system. It meets annually and exceptionally to consider specific issues. The resolutions issued by the assembly are recommendations regarding the member states, and it meets at a different location every year, although the headquarters of the OAS is located in Washington, DC.

The Permanent Council oversees the functioning of the different organs of the OAS. It is composed of one representative of each member state, with the rank of ambassador and based in Washington.<sup>53</sup> The council may seek solutions for disputes between member states, create ad hoc commissions, investigate issues, and formulate recommendations.

The Meeting of Foreign Ministers should convene in the case of an urgent problem and serves as the organ of consultation of both the Charter of the OAS and IATRA (Article 6 of the Treaty and Article 60 of the OAS Charter establish the conditions for a meeting). The Permanent Council can serve as the provisional organ of consultation prior to the Meeting of Foreign Ministers, but generally it only provides oversight for the activities of other organs. The organ of consultation, once established, is the supreme decision making body for the urgent matter in question. The council decides whether a meeting of consultation shall be convened when a member state so requests. In case of an armed attack on the territory of a member state, the chair of the Permanent Council calls a meeting to decide on the convocation of the meeting of consultation.

If the Permanent Council or the Meeting of Foreign Ministers is functioning as the organ of consultation in the application of IATRA, the provisions of this treaty shall govern its proceedings. When the OAS is meeting on the basis of this treaty, the 12 countries that are not party to it do not join the meeting of consultation.

The secretary-general is elected by the General Assembly for a five-year term and heads a small permanent secretariat. He or she has acquired new responsibilities since the 1985 reform of the Charter, reporting security or other

crises to the Permanent Council. Secretary-General Jose Miguel Insulza restructured the secretariat and it is now organized in six specialized secretariats: Political Affairs, External Relations, Legal Affairs, Administration and Finance, Multidimensional Security, and Integral Development, as shown in Figure 1.1.

The Inter-American Council of Integral Development promotes cooperation in the social, cultural and economic spheres. The council formulates strategic plans regarding matters of cooperation for integral development, within the framework of the general policy and priorities defined by the General Assembly and the guidelines for the preparation of the program-budget for technical cooperation and for the other activities. It holds at least one meeting each year at the ministerial or equivalent level and also convenes meetings at the same level for the specialized or sectorial topics.

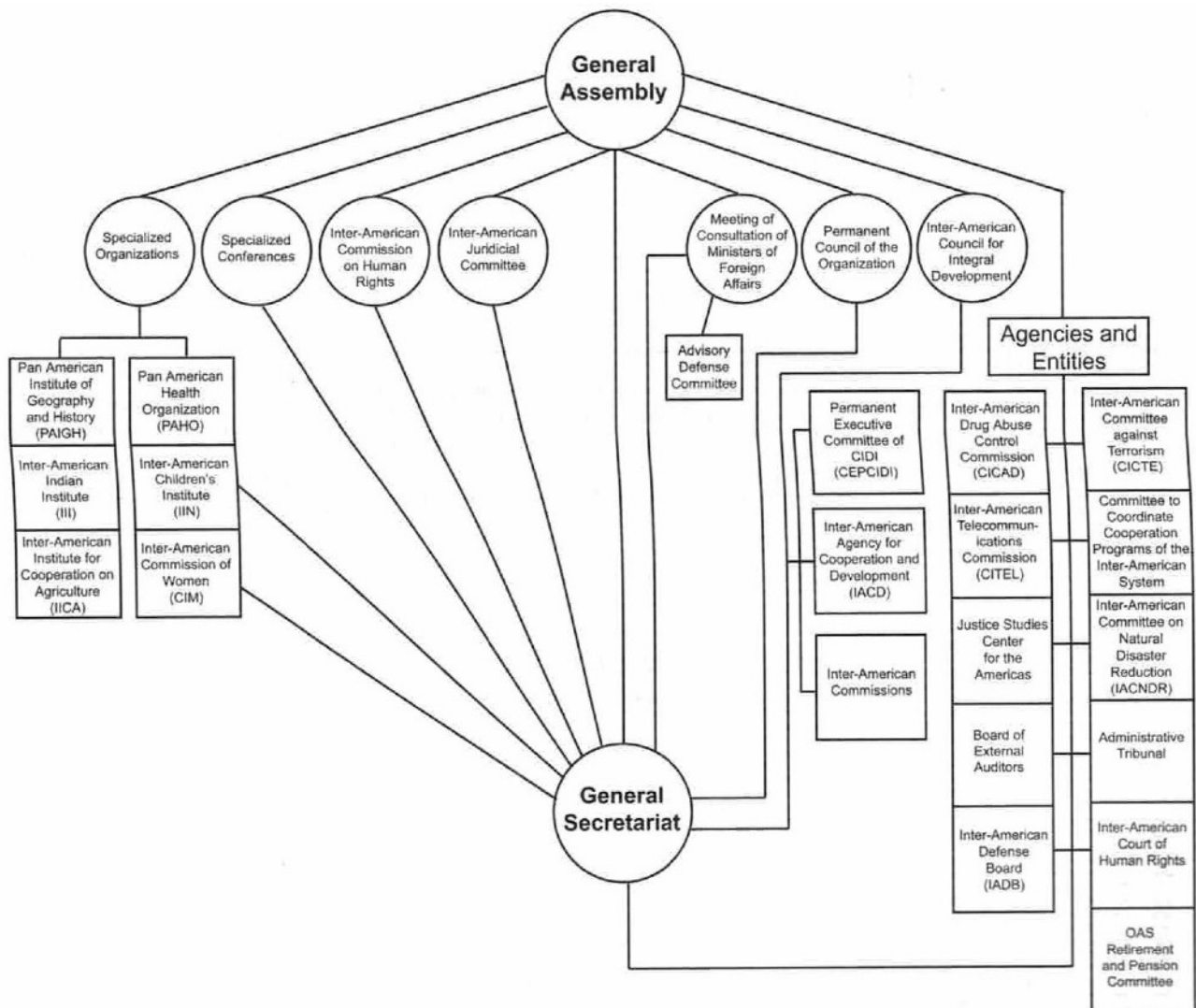


Fig 1.1a Structure of the OAS

The Inter-American Juridical Committee is composed of 11 jurists, nationals of member states, elected by the General Assembly for a period of four years. It is an advisory body on juridical matters, promotes the codification of international law and deals with juridical problems related to the integration of the developing countries of the hemisphere.

The inter-American defense board (IADB), created in 1942, is an advisory and technical organ and is funded by the organization, but only became an OAS agency in March 2006. It is an international committee of nationally appointed defense officials, who develop collaborative approaches on common defense and security issues facing the Americas.

It is today engaged in mine-clearing projects, cataloging confidence building measures, disaster mitigation and prevention, and training activities specific to the Inter-American Defense College in the region.

Two organs of the inter-American system are entrusted with promoting and protecting human rights: the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights. The IACHR, in place since 1960, is an autonomous organ of the OAS and its mandate is found in the Charter and the American Convention on Human Rights.

The commission is made up of seven experts elected by the General Assembly in their individual capacity. It meets two to three times a year and its secretariat is composed of approximately 20 attorneys. It is entrusted with a mandate to ensure the observance of the American Declaration on the Rights and Duties of Man, of the American Convention on Human Rights and other inter-American human rights instruments (Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights or the San Salvador Protocols; Protocol to the Convention to Abolish the Death Penalty; Inter-American Convention to Prevent and Punish Torture; Inter-American Convention on the Forced Disappearance of Persons; Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women or the Convention of Belem do Para).

The IACHR also serves as a consultative organ of the OAS for the area of human rights. The commission receives, analyzes and investigates individual petitions which allege human rights violations, observes the general human rights situation in the member states, publishes reports, carries out on-site visits to countries, submits cases to the IACourtHR and recommends the adoption of measures which can contribute to human rights protection.

The IACourtHR, today functioning in San José, Costa Rica, performs jurisdictional functions, both contentious and advisory. The court consists of seven judges elected in their individual capacity by the General Assembly with a six-year mandate.

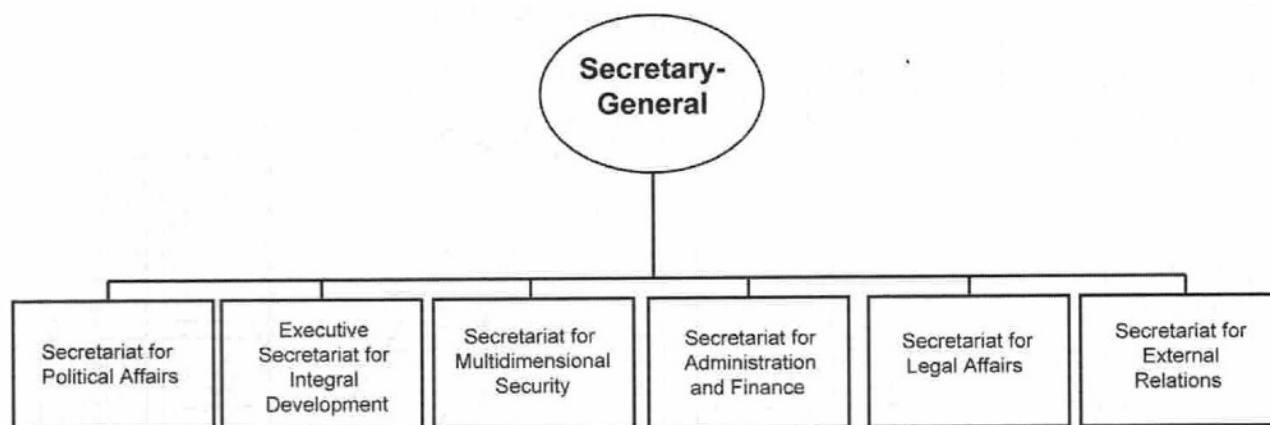


Fig 1.1b Structure of the OAS

The organization has also created several rapporteurs for human rights issues: for freedom of expression, on the rights of women, migrant workers, children, indigenous peoples, persons deprived of liberty and Afro-descendants. They produce analyses and evaluations, provide advice, and take part in on-site visits focusing on each of these subjects. The Inter-American Children's Institute, the Inter-American Institute for Human Rights and the Inter-American Commission of Women also play a relevant role in strengthening the human rights protection regime in the hemisphere.

The OAS is often portrayed as a forum where high politics are dealt with, thus it is relevant to stress that the organization deals with a number of technical and social issues crucial to development efforts in the Americas. These are the agencies that should be mentioned: The Inter-American Telecommunications Commission (CITEL), which became part of the OAS in 1994, facilitates and promotes the development of telecommunications in the hemisphere. The Inter-American Committee on Natural Disaster Reduction (IACNDR) was created in 1999 and is involved in natural disaster reduction activities. Its objectives include reducing the loss of human life and property, improving emergency preparedness and response, improving financial protection from catastrophic loss, and making economic and social infrastructures more resilient. The Inter-American Committee on Ports (CIP) replaced the inter-American port conferences in 1998, allowing for greater coordination between the private and public sectors in this area. It deals with port security, logistics and competitiveness, navigation safety and environmental issues, development in the area, port legislation and international cooperation.

The Inter-American Drug Abuse Control Commission (CICAD) was established by the General Assembly in 1986 as the Western Hemisphere's policy forum on all aspects of the drug problem. The Inter-American Committee against Terrorism (CICTE), which has been in place since 1999, dealing with several aspects of the fight against terrorism, develops programs regarding border controls, aviation security, document security, fraud prevention, maritime security, terrorism financing, legislative assistance, tourism security, and cyber security. The Inter-American Commission of Women (CIM) is the principal forum for generating hemispheric policy to advance women's rights and gender equality. The commission is involved in the production of information, setting up forums for debate. technical assistance, and establishing standards for women's political, economic and cultural participation.

The Pan American Health Organization (PAHO), created in 1902, is the specialized health organization of the inter-American system. It also serves as the regional office for the Americas of the World Health Organization and enjoys international recognition as part of the United Nations system. The PAHO is involved in projects in several areas, such as: health care research, environmental health, health systems, health surveillance and disease prevention, emergency preparedness and disaster relief, and family and community health.

Additional functional agencies include the Inter-American Children's Institute, the Inter-American Institute of Geography and History (IAIGH), the Inter-American Indian Institute and the Inter-American Institute for Cooperation on Agriculture. The Inter-American Children's Institute contributes to the development of public policies ensuring the promotion and exercise of children's rights. After 1989, when the UN adopted the International Convention on the Rights of Children, the institute became the multilateral agency responsible for its implementation in the region. IAIGH encourages, coordinates and publicizes cartographical, geographical, geophysical and historical studies. The Inter-American Indian Institute aims to coordinate the Indian affairs policies of member states and to promote research and training of individuals engaged in the development of indigenous communities. The Inter-American Institute for Cooperation on Agriculture is engaged in projects aiming at agricultural development, technical cooperation and well-being for rural populations.

The Meeting of Heads of State of the Americas took place for the first time in 1994 as mentioned. At that instance mandates were assigned to the OAS in several areas, such as drugs, corruption, terrorism. hemispheric security, sustainable development, and the environment. The OAS incorporated these mandates into its agenda on a priority basis.



Today the gatherings are institutionalized and offer a venue for the discussion of common policy issues, for the affirmation of shared values and for the development of commitments to concerted actions at the national and regional level. Five such meetings have taken place (Miami in 1994, Santiago de Chile in 1998, Quebec City in 2001, Mar del Plata in 2005, and Port of Spain in 2009). The summit implementation review group is responsible for reporting annually on the progress achieved in the fulfillment of the plan of action to the foreign ministers. The plan of action produced by such summits functions as a guideline and a mandate for the work of the OAS. The organization also acts as the secretariat for various ministerial meetings; in particular, for meetings of ministers of justice, ministers of labor, ministers of science and technology, and ministers of education of the Americas.

## **Conclusion**

As we have seen, the international and the regional historical processes reviewed here allow us to understand the emergence of the OAS as the first of a series of regional organizations that would produce, reproduce and be affected by international politics after the Second World War.

The first 50 years of the organization were marked by the Cold War and its features in the Western Hemisphere. The organization was central in the process of building a perception of the threat of communism in the region, and did not adapt to the changing political environment in the 1970s, when Latin American countries sought to diversify their ties within the international scenario. Nevertheless the human rights protection mechanisms created within the OAS were a very central contribution to the fight against dictatorships and to the processes of democratization that were to sweep the region in the 1980s.

Since the 1990s, the organization has been going through a significant transformation, incorporating new functions in line with a broader hemispheric agenda, but remaining a social space where the defense of state sovereignty and non-intervention in particular is enacted. The earlier experience of multilateral interaction marked by Latin American concern over interference by outside great powers is still influential. At the same time, new functions in the sphere of security and support for democratic regimes have been incorporated as the organization adapts to new patterns of global governance. This leads us to the next two chapters looking at the OAS's role in the sphere of security and in building the norm of democracy as a universal regime in the region.

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