

GLOBAL INSTITUTIONS



The Organization of American States (OAS)

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3 The democratic paradigm

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For the last 20 years the OAS has been closely involved in the process of stabilization of representative democracies. The organization has been a central forum for the creation of a regional norm of protection of democratic regimes and institutions. During this period, it has been engaged in both crisis management and institution building.

The new weight given by the OAS to the defense of democracy marked the international landscape in the region in the 1990s. The concept of democracy is present in the OAS's founding document and has played a role in inter-American affairs for the last 60 years. But only in the 1990s was the norm of representative democracy as a condition for participation in the inter-American system generated. The idea of democracy as a norm domestically was wedded to the idea that it should be collectively defended by the countries of the region. A norm of regional disapproval of authoritarian regimes or the disruption of democratic regimes was established, and the OAS was crucial in shaping this new environment.

A set of practices has been developed involving assistance for and legitimization of elections, debates, educational activities, the dissemination of information on democratic governance, and collective intervention in the case of crisis. These practices have established a strong link between the international organization and domestic political processes. In fact, the promotion of democracy has become one of the main objectives of the OAS. The norm of non-intervention in domestic affairs has been altered in order to give way to these practices, the OAS having

relaxed its commitment to the principle in the process of constructing a regime for the preservation of democracy.

In this chapter I shall look into the historical process that allowed for the emergence of this norm; the period previous to the end of the Cold War and the initial construction of the norm in the 1990s will be considered in the two first sections. In the third section of the chapter I will present the work developed by the OAS in this area. The practice of the organization will be looked at, with a fourth specific section analyzing the monitoring of elections. Finally a critical perspective on this contribution of the organization to global governance will be presented in the conclusion.

Setting the stage for the democratic paradigm

We should examine at least three important historical processes in order to understand the emergence of the democratic paradigm within the OAS: the transition to democracy in most Latin American countries, the incorporation of democratic governance into the international agenda, and the building of the inter-American human rights regime.

The wave of democracy that began in 1978, part of what Samuel Huntington called the third wave of democratization,¹ led to a political reality where virtually all countries in the region had an elected government by the 1990s. A region that in the late 1970s was overwhelmingly under the control of authoritarian rulers, where only Costa Rica, Colombia, and Venezuela stood out as liberal democracies, had become almost entirely democratic. Cuba is the notorious exception. Elections were held in the Dominican Republic in 1978, and democratic procedures followed in Peru, Uruguay and Argentina at the beginning of the next decade. In the 1980s, the war-torn societies of Central America moved toward peaceful conflict resolution and began their own systematic experience with liberal democracy. As seen earlier, the peace process in Central America incorporated the notion of reconciliation via democratic stabilization. Brazil and Chile followed the same path.

Many authors stress that democracy has become the norm in the Americas² in line with the wider globalization of this form of political organization. The transfer of presidential office became commonplace, although in some cases constitutional crisis was a serious predicament. The universal right to vote was recognized in all countries and general elections held between 1990 and 2009 were considered legitimate. The competitive elected regimes survived social and egregious economic inequalities, economic crises, ethnic divisions, and even lack of support for the institutions of democracy.

Regarding human rights, conditions have changed gradually but significantly since the 1970s. Most countries in the region have ratified international treaties protecting human rights, and enacted legislation guaranteeing equality under the law, civil, political, and social rights. Although police brutality, inhuman prison conditions, violations of economic and cultural rights, and impunity for human rights violations are still widespread, and disappearances, extra-judicial killings and torture still occur, the human rights discourse and practice has been gaining relevance and impact in the societies of the Americas.

These changes are fundamentally the result of social and political movements in each of the countries in question. But the international and regional environments have also favored the sustainability and comprehensiveness of this process. The flow of information, the role of transnational relations, international assistance, changes in international culture, the pressure exerted by the United States (after Jimmy Carter's administration, human rights policy took shape), and finally the role played by the OAS are part of this scenario. Each transition to democracy in a country of the region added a new government to the scenario that could live comfortably with the idea of democracy as a norm and could contribute to the building effort in progress.

After the end of the Cold War, the UN Security Council treated the failure to guarantee democracy and human rights or to protect individuals and groups against humanitarian abuses as a threat to peace and security. A significant increase in interest in the promotion of democracy among developed liberal democracies and international organizations can be detected.³ The documents produced by Secretary-General Boutros-Ghali⁴ at the dawn of the new period set the tone, and articulated the discourse that links democracy, sovereignty, peace and development.⁵ The literature on the democratic peace hypothesis is vast⁶ and the association between the concept of democracy and the prospect of a peaceful and prosperous international system was now at the center of diplomacy, foreign policy, and international debate. The existence of a well established and institutionalized human rights regime was one of the building blocks of this process.⁷

An embrace of multilateral intervention was detectable by the beginning of the 1990s. Shared values seemed to be one aspect of the increasing interdependence between different societies; the term international community became part of political discourse. International legality and legitimacy were redefined in this context. The universalistic perspective on justice, peace, human rights, and development seemed to gain the upper hand for a brief but significant moment.

The locus of legal authority shifted and criteria for evaluating governance broadened to include democratic institutions and the respect for human rights. In a nutshell, good governance associated with democracy emerged as the political rationale at the UN.⁸

Regional organizations, such as the OAS and OSCE, played an important role in establishing a trend. Membership of several organizations became conditional on the establishment of democratic credentials. The process of incorporation of Eastern European countries by the European Union set a paradigm in this respect.

The idea of democracy was always present in declaratory terms in the OAS's agenda. The 1948 Charter mentions representative democracy as one of the guiding principles of the organization. But after the Second World War, the defense of democracy was associated with the Cold War dispute. Before the 1990s, attempts to foster formal democratic institutions can be understood as part of the US Cold War strategy. Although the view that the United States had complete control over the organization is misleading, the defense of democracy was framed in terms of the bipolar rivalry between the Western bloc and the communist world.

The resolution, mentioned earlier, condemning communism in Guatemala in 1954 was the first attempt to make the connection in the context of a political crisis. But there are other clear examples of this strategy. When Cuba was suspended in 1962, the link between the defense of democracy within the OAS and the organization's involvement in the fight against communism was reaffirmed. The contrast between the decision to suspend Cuba in 1962 and the lack of reaction regarding the authoritarian regimes that featured in Latin America in the 1960s and 1970s is the most contradictory expression of this reality.

Nevertheless, paradoxically, at the same time a movement toward building a regional regime for the protection of human rights was in place. The link between democracy and human rights is acknowledged in the OAS Charter and addressed in the American Convention on Human Rights. As seen in Chapter 1, the 1948 American Declaration of Rights and Duties of Man launched the inter-American human rights regime even before the UN General Assembly approved the Universal Declaration of Human Rights, the first in May 1948 the second in December 1948.

The Declaration of Santiago issued by the fifth meeting of foreign ministers in 1959, explicitly mentions the importance of free elections, freedom of the press, respect for human rights, and effective judicial procedures. During that meeting, the Inter-American Commission for Human Rights was created. The commission receives petitions from states, individuals and non-governmental organizations affected by a violation.

In 1969, the American Convention on Human Rights was adopted and it has been in force since 1978, having been ratified by 25 members of the OAS. Notably absent from this list are the United States and Canada. The Inter-American Court of Human Rights was established in San José, Costa Rica, a year later and the jurisdiction of the court is recognized by 22 members of the OAS. Although the court does not produce legally binding decisions and the OAS does not use enforcement to deal with human rights violations, the availability of public information and legal procedures has had a very significant impact in the region. Civil, political, economic, social, and cultural rights are laid down in the documents and are part of the regime, giving it a wide remit, although it is undeniable that effectiveness is limited.

The commission was able to play a crucial role during the 1970s and 1980s by adopting positions critical to mass and systematic violations of human rights by Latin American dictatorships, in particular forced disappearance. Moreover, this organ addressed the situation of specific victims, although it did not have a mandate to do so, requesting information from member states, carrying out on-site visits and producing reports.⁹ The court issued rulings that set standards regarding abduction, arbitrary detention, torture, extrajudicial executions, the need to prosecute those responsible for human rights violations, and the responsibility of states regarding the protection of citizens' human rights. The Protocol of San Salvador¹⁰ of 1999, which has been ratified by 15 member states, introduced country reporting as a monitoring mechanism. The country reports are a reference for the status of each country regarding the regional and international human rights regimes.

Nevertheless, only in 1979 did the OAS as a whole begin its road towards a legitimizing and supporting role in the consolidation and improvement of democracy in the Americas. At that moment a resolution condemning the human rights record of the Anastasio Somoza regime in Nicaragua was passed. After a report on a visit to Nicaragua was issued by the IACHR, the seventeenth meeting of consultation approved a resolution which, for the first time in the history of the OAS, deprived an incumbent government of a member state of the organization of its legitimacy, based on the human rights violations committed by that government against its own population.¹¹ This resolution was passed by a number of countries where non-democratic governments were in place; nevertheless it can be considered an important benchmark as it established that the organization could have a say regarding the responsibilities of governments towards their citizens.

The 1985 Cartagena Protocol,¹² which entered into force in 1988, established the promotion and consolidation of representative democracy

as an "essential purpose." It did not create mechanisms to sanction non-democratic behavior but was a crucial step in building the norm under scrutiny here. Thus when General Noriega staged a coup d'état in Panama in 1989, there was a legal and normative basis for a resolution defending the legitimacy of a democratic election of the government in that country. In mediation, a mission headed by Ecuador's foreign minister Diego Cordovez tried to promote a political solution without success, although that body did adopt a resolution calling for the peaceful transition of power "to a democratically elected government."¹³ Thus, for a second time, an undemocratic process was delegitimized in the OAS.

Thus the presence of a tradition of human rights protection, the transition to democracy in most Latin American states, and the possibility of generating a norm regarding domestic politics in an international context allowed for an institution building effort that has been ongoing for the last 20 years.¹⁴

The construction of the democratic paradigm in the 1990s

Apart from the processes analyzed above, the new multilateral approach of the US administration regarding Latin America and policies adopted by important countries such as Canada, Mexico, Argentina, and Brazil in support of the idea of democracy as a norm for the region set the scenario for the generation of the hemispheric democratic norm. In fact, at the beginning of the 1990s, the United States sought to implement its policy of support for democratic regimes in the hemisphere partly through the OAS. Some important steps should be remembered in the understanding of this process.

The 1991 declaration on the collective defense of democracy passed by the General Assembly in June 1991, often referred to as the Santiago Declaration,¹⁵ called for a prompt reaction of the region's countries in the event of a threat to democracy in a member state. Resolution 1080,¹⁶ passed at the same instance, determines that the OAS Permanent Council should be summoned in case of the suspension of the democratic process in any member state, and thereafter a meeting of ministers of foreign affairs could be called. This should occur within a 10-day period of the crisis in focus. Furthermore, economic and diplomatic sanctions may be imposed.

Resolution 1080 is a turning point in the history of the OAS, enabling the organization to react collectively in the case of democratic breakdown, changing the character of the defense of democracy, and beginning the construction of a new hemispheric norm whereby democracy

should be actively protected and stimulated. Expectations were to change gradually, and the discourse on the defense of democracy evolved as the resolution was applied when institutional crises developed in Haiti, Peru, Guatemala, and Paraguay.

Resolution 1080 was applied regarding the coup d'état which took place in Haiti in September 1991, and an ad hoc meeting of ministers of foreign affairs was called. This event was particularly important as it established parameters for the application of the resolution. The role of the OAS in de-legitimizing and condemning the breakdown of constitutional and democratic government was now becoming an active machinery. At the same time, the OAS began its experience with the application of sanctions for such instances.

The second crisis in which the OAS was put to test occurred in Peru. President Fujimori, elected in 1990, dissolved Congress, closed courts, suspended the constitution and assumed emergency powers. In accordance with resolution 1080, the Permanent Council called an emergency meeting of foreign ministers. This body then created three fact-finding missions, putting pressure on Fujimori for the restoration of the democratic order. When elections were called for a new constitutional congress that would rewrite the country's constitution, the OAS sent an observation mission. Significant pressure from several governmental, intergovernmental, and nongovernmental actors had an impact on the country's road back to formal democracy, and the OAS was a small part of this movement. A close analysis of the political process reveals that Fujimori emerged from the crisis with more power, and that both the elections and the rewriting of the constitution were controlled by the president to a level that contradicts basic democratic principles. Furthermore, between 1992 and 2000, Peru's political system became increasingly authoritarian and the limited capacity of the OAS to influence the process beyond crisis management became clear.

It should be noted that the Inter-American Court of Human Rights did produce several rulings critical of the prosecution processes against insurgents, again playing a role in support of democracy in the region. In fact, in 1999, the Peruvian government withdrew from the jurisdiction of the court.

But in 2000 the OAS electoral mission, led by Eduardo Stein, former Guatemalan foreign minister, played a role in the demise of the Fujimori regime. The mission issued a report stating that the electoral process had not met international standards and the government's legitimacy was seriously damaged.¹⁷ A resolution issued by the Windsor OAS General Assembly¹⁸ created a high-level mission, led by Lloyd Axworthy, Canada's foreign minister and Cesar Gaviria, secretary-general of the

OAS, which played a part in changing the Peruvian political landscape. They made 29 propositions in order to strengthen democracy in this Andean country, such as ensuring the independence of the judiciary, guaranteeing access of the opposition to the media, establishing an independent human rights commission, returning a television network to an owner who had been stripped of his property by the courts after critical news broadcasts and removing his chief of intelligence, Vladimiro Montesinos, apart from allowing for civilian control over the service. A dialogue roundtable (*mesa de diálogo*) was created, incorporating leaders of the opposition, civil society representatives, and the government. Although the process was controversial and criticized by many actors involved in the Peruvian political process, it did provide a forum for the generation of a non-violent way out of the crisis after the Montesinos affair¹⁹ unraveled, leading ultimately to a new election, a partial reform of the Peruvian political system and the end of the Fujimori era.²⁰

In 1993, the OAS secretary-general João Clemente Baena Soares led a fact-finding mission to Guatemala. A political crisis was in progress as President Jorge Serrano suspended basic rights, shut down Congress and the courts and locked up members of the opposition with the support of the army. Finally, in view of pressure exerted from Washington, the country's Congress elected a new president.

The IACHR and the Inter-American Court of Human Rights have also played a significant role in the consolidation of the inter-American democratic paradigm, having established norms and jurisprudence regarding the link between human rights, democracy, and freedom of expression. In 1997, the court created the Office of the Special Rapporteur for Freedom of Expression, which has generated relevant information regarding this aspect of the democratic agenda. The Alberto Fujimori government in Peru, for instance, was criticized repeatedly for violations of human rights; in particular the manipulation of the judiciary; thus the court and the commission played a role in one of the cases that established the OAS practice of monitoring democratic institutions.

The 1994 Miami Summit of the Americas set the tone for a growing responsibility regarding the maintenance of democratic regimes in the Americas. Thus the construction process continued. A reform of the OAS Charter took place through the ratification of the 1992 Protocol of Washington,²¹ an amendment to Article 9 of the Charter, which took effect in September 1997. It establishes that a country may be suspended from participation in the organs of the organization if a "democratically constituted" government is overthrown by force. The agreement strengthens representative democracy by creating a condition for participation in the OAS. In fact this is the first case of a regional

organization allowing for suspension of a member whose democratically constituted government is overthrown by force.

Finally, in 2001, the Inter-American Democratic Charter was adopted, further institutionalizing the democratic paradigm.²² This new charter creates procedures for cases of formal disruption to democracy and for situations when democracy is at risk. It was first formally applied when a coup d'état was attempted against President Hugo Chaves of Venezuela in 2002.

The charter establishes a clear link between the inter-American human rights regime, combating poverty, promoting development, non-discrimination, and representative democracy. It lays down criteria for the definition of a functioning representative democracy. Articles 3 and 4 are a vital contribution, defining the practices that need to be in place if a country is to be considered democratic.²³

In addition, the charter treats as equal the "unconstitutional interruption of the democratic order" and the "unconstitutional alteration of the constitutional regime that seriously impairs the democratic order" (Article 19), thus dealing with the problem of authoritarian backsliding by elected governments.

Article 20 provides for the suspension of the membership of a state "In the event of an unconstitutional alteration of the constitutional regime that seriously impairs the democratic order ... " by a two-thirds majority vote. This procedure is in contradiction with the norms of consensus decision making present until this moment, thus expressing a paradigm shift in the history of the organization.

In this context, the OAS Unit for the Promotion of Democracy (UPD), now the Department for the Promotion of Democracy, was established in 1991.²⁴ As Andrew Copper and Thomas Legler note: "the creation of this agency signals a more embedded institutional concern with the process of democratization."²⁵ Its mandate included democratic institution building, educational activities, electoral and technical assistance, and exchange of information on democratic institutions. It provided assistance for the development of democratic institutions and for conflict resolution. During the first years of its activities, the UPD concentrated on the area of electoral observations. Following the first Summit of the Americas in 1994, it got involved in programs for the support of peace processes on the continent.

The OAS democratic paradigm in action

The OAS has set up a bureaucratic apparatus in order to put into practice the norm in focus here. This has created a new social space

where democracy is debated and molded. Since 2006, the Secretariat for Political Affairs has been in charge of these activities.

The Department for State Modernization and Governance is involved in institutional reform, aiding in the improvement of representative mechanisms, promoting transparency, access to public information, public financing, technological modernization, and crucially building universal civil registration mechanisms.²⁶ Training and educational programs geared toward the generation of a democratic culture are considered central to this endeavor. The modernization and internationalization of legislative bodies is also important for this agenda and the OAS has been involved in several projects that seek to disseminate and organize knowledge and generate contact between members of the legislatures of the countries in the region.²⁷

A link between the OAS and civil services, legislative institutions, local governments, political parties, and civil society has been established, increasing the influence of the organization. The Inter-American Forum on Political Parties fosters debate and research on issues pertaining to the political system of states, such as campaign financing and confidence in the political system.

The focus on transparency and public access to information is connected to the fight against corruption, in line with the 1996 Inter-American Convention Against Corruption.²⁸ Governance at the local level is a particular preoccupation as it is seen to permit more supervision of government bodies.

The most visible activities which the organization is involved in are crisis-related. The Department of Sustainable Democracy and Special Missions deals with crisis prevention, management, and resolution. In situations of crisis, the OAS can have an important role in establishing a framework for the solution of the dispute in question and generating a forum for dialogue. Special missions are sent to countries that seek support for a democratic process in crisis. Thus in the context of a deep political crisis in 2005 in Bolivia, OAS observers monitored elections, provided technical assistance and established contact with different sectors of society, allowing for a peaceful transition. That same year missions supported the process of selection of Supreme Court judges in Ecuador and mediated the negotiations between the executive and legislative branches of government in Nicaragua, again in the midst of a political crisis. Fact-finding missions may also be sent to the countries where crises take place.

The OAS's democratic paradigm is geared toward stabilization of the political system, and allocates a large part of its budget toward generating a negotiating process. It has thus promoted national

dialogue in countries where political institutions have been in crisis—such as Guatemala, Haiti, Nicaragua, Peru, Suriname, Bolivia, Venezuela, and Honduras. Intra-elite negotiations are often produced through the establishment of a *mesa*, as was the case in Peru, Venezuela, and Honduras. The aim is to allow for negotiations between political actors and diffuse polarization. These forums are an important conflict resolution or administration device that can prevent the resort to violence by political actors.

The last contribution in this field took place on 5 July 2009. The OAS invoked Article 21 of the Charter, suspending Honduras from active participation in the organization. The unanimous decision was adopted as a result of the 28 June coup d'état that expelled President José Manuel Zelaya from office. Diplomatic initiatives are ongoing to foster the restoration of democracy to Honduras.

Table 3.1 details instances where resolution 1080 or the Inter-American Democratic Charter were invoked.

Support for the democratic norm is also related to efforts in the field of peacekeeping discussed in Chapter 2. Rolland Paris²⁹ has suggested that the peace building efforts of international agencies are guided by a paradigm of liberal internationalism that champions liberal democracy and market-oriented economics. As Yasmine Shamsie³⁰ argues, the OAS approach to peace building has been informed by assumptions and prescriptions based on this perspective. Representative democracy, civil society building, and good governance allied to market-oriented reforms are the model for conflict prevention and avoiding violence.

Finally, civilian control over the military is one important dimension of democratic regimes and it is particularly relevant in Latin America where in the past the overthrow of governments by military coups was common in the context of political polarization and crisis. The OAS has played a role in this area, generating norms of transparency and putting forward an agenda of political control over military strategy, as seen in its published documents on defense strategy and policies.

Support for electoral processes

International election monitoring has improved the integrity of the electoral process and is a potent expression of the connection between domestic and international politics today or of the new dimensions of global governance. As one expert on the subject puts it, "IEM is one way through which the meaning of sovereignty has gradually changed."³¹ As the instability generated by disputes over the legitimacy of electoral processes is seen to affect political and economic processes

Table 3.1 Instances when resolution 1080 or the Inter-American Democratic Charter were invoked

<i>Dispute</i>	<i>Date</i>	<i>Action taken by the OAS</i>
Haiti: Coup d'état	1991	The council condemned the coup based on resolution 1080 and sent a mission to Haiti beginning the process that would lead to President Aristides' reinstatement in 1994, after an American-led intervention authorized by the Security Council.
Peru: In April 1992, President Alberto Fujimori shut down the courts, suspended the Constitution, and assumed special emergency powers.	1992	For the second time, resolution 1080 was invoked. A meeting of foreign ministers was called and a mission was sent to Lima. The OAS exerted pressure, which added to contributions of many other actors, and elections were held for a constitutional congress. The Fujimori government was strengthened and stability was maintained. The OAS has been frequently criticized for allowing a government without proper democratic credentials to be stabilized.
Guatemala: Institutional crisis when President Jorge Serrano suspended basic rights, shut down Congress and the courts, and detained members of the opposition. This happened in the context of the civil war that only ended in 1996.	1993	Secretary-General João Baena Soares headed a fact-finding mission. The president resigned and the Guatemalan congress elected a new president who served until the January 1996 elections.
Paraguay: Attempt to overthrow the government	1996	The OAS condemned the coup and democratic stability was restored after negotiations involving Brazil and the United States.
Venezuela: Coup d'état against President Hugo Chavez, who returned to power after 48 hours	2002	The Permanent Council condemned the coup based on the Inter-American Democratic Charter. A fact-finding mission of the secretary-general was sent to Venezuela. The OAS secretary-general aided mediation between the government and the opposition.
Belize: Institutional instability	2005	The Permanent Council supported the country's constitutional government.

Table 3.1 (continued)

<i>Dispute</i>	<i>Date</i>	<i>Action taken by the OAS</i>
Bolivia: President Carlos Mesa in the context of political and social upheaval	2005	The permanent council declared its support for the democratic process in Bolivia, sent a mission and provided support for the strengthening of democratic institutions. Ambassador Horacio Serpa of Colombia was designated special representative of the secretary general and facilitated political dialogue and then headed the OAS mission that observed the electoral process. On 18 December 2005, President Evo Morales was elected, through a process considered free and fair.
Ecuador: Institutional instability	2005	A Permanent Council resolution supported democratic institutions. A mission was sent to the country. The OAS supported the establishment of the Supreme Court of Justice. Insulza appointed two jurists as his special representatives to observe the selection process. Members of Ecuador's new Supreme Court were sworn in November 2005.
Peru: Political instability that marked the end of the Fujimori period	2000	Elections in Peru were not considered free and fair by the OAS mission. Resolution 1753 created the OAS high-level mission to Peru, which mediated negotiations to strengthen Peruvian democratic institutions between the government, civil society, and the opposition within the context of the "dialogue roundtable". Fujimori left Peru and new elections took place.
Honduras: Coup in which the president was removed from office by force	2009	The OAS sent a mission which was unsuccessful in trying to negotiate a way out of the crisis, and a resolution suspended Honduras from the organization.

beyond national boundaries, inter-governmental organizations as well as NGOs have been increasingly present in electoral activities, from the moment the procedural rules are laid down, up to the counting of votes. Thus this very domestic procedure is being internationalized.

After a decade of building rules and methods, the Declaration on Principals for International Election Observation was approved in 2005,³² establishing international standards for this activity. Electoral monitoring has become more intrusive, more frequent and based on techniques

put forward as neutral and scientific. Sharon Lean refers to a new "transnational election-monitoring field."³³

Although election observation missions did take place before the 1990s,³⁴ this was the period when they became a cornerstone of the activities of the OAS, were legalized, and were associated with the wider process of consolidating the norm of democratic governance.³⁵ During the 1960s and 1970s the country seeking assistance turned to the secretary-general and the operation was funded by its government.³⁶ By the end of the 1970s the Permanent Council was deciding in an ad hoc manner on the missions that were to be organized.³⁷ Requests for electoral observation in El Salvador in 1985, 1987 and 1988, and for Suriname in 1987, were again funded by the governments in question. But after the mission to Nicaragua in 1989 a new phase was inaugurated, with increasingly more complex and more frequent missions. The secretary-general would also play a more important role, sometimes joining the mission.³⁸

The UPD took part in several electoral observation missions at national and municipal level, supporting training, educational, research, and information programs.³⁹ Since 1990 the OAS has set up nearly 100 electoral observation missions in 20 different countries,⁴⁰ the mission in Nicaragua in 1990 having inaugurated the practice of international election monitoring by the UN.

The Department for Electoral Cooperation and Observation (DECO) is in charge of supporting electoral systems and institutions as well as promoting democratic elections in the region. It is responsible for electoral observation, technical assistance in this area, training, research, and the organization of seminars. According to the OAS, the operational principles of the work done in this field are neutrality, respect for national legislation, respect for national actors, application of standardized criteria, methodologies in electoral observation and the incorporation of gender perspectives.⁴¹

The new decade saw changes to the format of electoral missions. During the 21 May 2000 elections in Haiti, and during the Peruvian presidential elections in April and May of that same year, the OAS missions in place adopted an "active observation stance,"⁴² having openly criticized the procedures in these countries.

An analysis of the recommendations made by the electoral missions organized between 1999 and 2008 allows us to conclude that their focus was the generation of a standard array of procedures for the organization of elections. The rapid consolidation of results is a crucial concern of OAS missions and many recommendations are geared towards this crucial moment when results become available, are legitimized and permit the process of governing the country in question to move

forward. The participation of an organized population is a focus of many recommendations which make suggestions for the betterment of the registration procedures. The legitimacy and efficient management of the process is sought and expressed in recommendations regarding access to the media, access to information on rules to all involved, particularly public access to electoral laws, clarity regarding the meaning of the rules in place, and transparency on financial matters.

The OAS has also monitored elections in the context of post-conflict peace building. Support for electoral processes in the context of peace operations was carried out in Nicaragua and Guatemala in 1996 and in Haiti in 1994 and 2008.

Conclusion

The role played by the OAS in the diffusion of democratic governance in the Americas, producing models, giving assistance, playing a part in negotiations, creating debate, monitoring elections, and generating an international norm, allows us to assert that the OAS is a relevant part of the international stimulus to democratic stability in the Western Hemisphere. In the process, the concept of democratic governance itself has been changing, the ideal of transparency, organization of information and legality having become central.

The connection between the agenda established by the democratic paradigm and the security agenda analyzed in Chapter 2 is very strong. Activities geared toward democratic stabilization are part of the conflict prevention toolbox, and the extent and importance of the activities described above put the OAS in the category of organizations geared toward preventing conflict. In a region where intra-state and inter-state violence have often been generated by domestic political instability, this is a fundamental contribution to the prevention of violent escalation of disputes. Moreover, the OAS had a central role in generating the association between democracy and security, allowing a role for the regional multilateral institutions in protecting democratic institutions where they seem to be fragile.

The Latin American democratic deficit has been widely debated by the academic literature. The design and functioning of democracy and governance, including electoral processes, political parties and political culture, the lack of a fair judicial system, interference of the executive with judicial procedures and problems of accountability are among the points raised by specialists.⁴³ The rule of law remains the area of gravest deficiency. Corruption, lack of transparency and increasing polarization are part of the political reality in many countries.

Broad popular disillusionment with democracy has been systematically detected by opinion polls. Social and economic inequality and social exclusion of the poor and minority groups are hallmarks of most Latin American countries, affecting the citizen's civil, political and social rights. The state's capacity to reach objectives and fulfill its functions, particularly guaranteeing the rule of law and its monopoly on the use of force, is limited in many parts of the region. In this context, the cost of overthrowing the system may not be very high and regional and international input is a very positive step forward. But they may be and have been criticized. Most often authors have pointed to the tension between the concept of sovereignty and the building of the democratic governance norm. A debate over the relation between the principles of non-intervention and democracy promotion, as well as the use of preventive mechanisms, has been present since the 1990s.⁴⁴ As Hurrell states, "while democratic values are indeed widely shared throughout the Americas, the dangers of abuse of hegemonic power have led, and will continue to lead, Latin American states to try to limit the scope for 'democratic interventionism' and to place continued emphasis on the principle of non-intervention."⁴⁵

I would like to point out two very different criticisms that seem to improve our understanding of how the OAS is shaping political life in the hemisphere and in Latin America in particular: the limits of the concept of democracy that it spreads and its difficulty in dealing with authoritarian regression.

The OAS has focused on government as a managerial activity, concentrating on the organization of political life, in particular on procedures that generate an array of desirable results. The emphasis on electoral processes results from the treatment of the construction of democracy as the institutionalization of a political regime as similar as possible to Western liberal democracies and a vision of limited political participation, in line with the democratic elitist perspective. In line with this view, assistance has been aimed primarily at governments and political parties rather than civil society.

The pattern of recommendations made by the electoral missions expresses this concern with building efficient mechanisms that allow for predictability and legitimacy. The organization and control over the population involved, and strict control over time, are stressed. According to guides and recommendations issued by the OAS, the population needs to understand the rules involved in order to accept the legitimacy and authority of the electoral process as the main channel for expression of political ideas and projects. The state, on the other hand, needs to acquire the necessary techniques for control over the process, in particular accurate registration of individuals.

Leonardo Avritzer's observation regarding the academic approach to Latin American democracy applies well to the line chosen by the organization: "Despite this powerful presence of popular collective action at the public level, democratization in Latin America continues to be analyzed by the most well-established democratization theories ... as the restoration of political competition among elites."⁴⁶

The concern with the administration of the process aiming at the maintenance of order is in an example of the rationalizing role of an international organization that reaches for Western models of governance. The practice of the OAS in this sphere can be seen as part of a much broader history of encounters between Western and Latin American societies that has led to one of the crucial intellectual debates in the region about these tense and creative encounters and the process of modernization.⁴⁷

Thus if we understand democracy in terms of equal social, political, and civil rights and in terms of citizen participation in decision making processes and political debates, the OAS has contributed in a marginal way to the development of this form of social and political organization and has reinforced a more limited vision of democracy as a system of government centered on electoral mechanisms.

The human rights regime, as we have seen, is a significant pillar in the process of consolidation of liberal democratic regimes in the Western Hemisphere; nevertheless it is not a universal system since only 22 states have recognized the obligatory jurisdiction of the IACourtHR and only 25 states have ratified the American Convention on Human Rights. Moreover decisions by the court and the commission are often not implemented by states.⁴⁸

The OAS has been ineffective in dealing with authoritarian regression by incumbent democratically elected governments, a growing problem in the region. After President Alberto Fujimori began the process of undermining democratic institutions in 1992, and throughout the following eight years, the organization was unable to make a difference. The curtailment of free expression and the separation of power between pillars of government in Venezuela during the last five years has not met with a significant response from the OAS.

Although it may be argued that the Inter-American Democratic Charter does not specify what constitutes a violation of its principles and norms,⁴⁹ the option of dealing with authoritarian regression will always be political, in the same way that interpretation of the charter is. Critics have also pointed out that the charter has rarely been invoked in defense of democracy and that there is no "clear set of benchmarks" that determine when the OAS should act.⁵⁰ The ideas in

the charter allow for interpretation and will inevitably form only part of the political process. The complex linkage between international, domestic and transnational political processes can only be based on concepts strongly embedded in social practices if long hours, months and years of debate are allowed. The other option involves the use of power resources. We are in fact dealing with the classic relation between legitimacy and power. It will take time to build a mechanism that can deal with authoritarian regression efficiently, as the norm in the OAS is to concentrate on avoiding crises, not on deepening political debate.

Thus the model of political participation put forward by the organization is in itself a limitation on the process of deepening the understanding of democracy within this multilateral context.