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# The Organization of American States and The Democratic Charter

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If there is anyone out there who has followed my public remarks since becoming Ambassador to the Organization of American States (OAS), you will know that I tend to talk a lot about a particular document - *The Inter-American Democratic Charter*. I talk about it a lot because it's an important document, and, in fact, has become the focal point of the most serious work that the OAS is called upon to perform. That is: Maintaining, supporting, strengthening, and defending democracy in the Western Hemisphere.

## **The Democratic Charter**

Adopted by the Inter-American Community on September 11 in the immediate wake of the terrorist attack on the World Trade Center and the Pentagon the hemispheric consensus represented that day was a significant, historic event in its own right. It was historic because it was the first time in the history of the Western Hemisphere that the representatives of our community the Inter-American Community sat down at a table together to agree on an expression of political values with such clarity and reach; the political values that are the building blocks of democratic life. The document defines the "essential elements" of "representative democracy" that is to say, the "democratic order" in very specific and inclusive terms, including:

Power in accordance with the rule of law, the holding of periodic, free, and fair elections based on secret balloting and universal suffrage . . . pluralistic system of political parties and organizations; . . . separation of powers and independence of the branches of government; . . . freedom of expression and of the press; . . . constitutional subordination of all state institutions to the legally constituted civilian authority.

A simple recognition of these values would have been a monumental event in and of itself. But, rather than stopping there, they took it a bit further. The Inter-American Community laid out a series of actions to be taken to maintain, support, strengthen, and defend democracy in the region in the event that one of its members should fail to uphold the essential elements of democratic life. The document allows any member state or the Secretary General to trigger a response by the Organization of American States, calling for the "immediate convocation" of a meeting of the Permanent Council to consider the facts, deploy diplomatic efforts, or use other political mediation.

If there is a clear interruption of democratic order, or if an undemocratic alteration is not remedied, the Charter calls for a General Assembly that may, among other things, suspend the offending government from the Inter-American system - which requires a two-thirds vote of the member states. The Charter contemplates a gradual, measured response to political crises. It incorporates very practical measures both remedial and preventative to strengthen or restore democracy. This is not a cookie cutter approach, and it does not anticipate rushing to suspend a member state. In fact, the dissuasive influence or proactive, preventative measures contemplated under the Charter are perhaps its most important contribution. The Charter builds on a practical

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legacy in which the OAS advances values that will make all of our nations stronger by making each of our nations stronger. In adopting the Democratic Charter, setting forth a series of shared values, and specifying mechanisms to strengthen and defend those values, the Inter-American community of nations created an example for the rest of the world to follow.

As far as I know, this has not been done among any other community of nations in the world. Any grouping of countries in the world whose nations are searching for a path toward fostering and implementing democratic values in their respective regional community can look to the Western Hemisphere as a model to be followed. And we as a community - the Inter-American Community - can and should wear this distinction with pride.

If the Inter-American Democratic Charter is so significant, so ground-breaking, so historic and such an example for the world to follow, why is it then that so few people know about it? Or if they've heard of it, they don't know what it means, or why it is important.

Let us remember that that Charter is only seven months old. Documents intended to be cornerstones of public policy - like laws or even the U.S. Constitution - are not born with instant legitimacy. A document's legitimacy evolves slowly, over time as it is exercised, and as respect for it and the values it embodies grows. Only through numerous attempted, not always successful, applications of a document can it achieve its full or even intended potential. Through fits and starts and repeated attempts, the values embodied in a significant public policy document, such as the Democratic Charter, eventually come to life and become tangible and immutable.

## **Haiti**

The Inter-American Community started down the long road of making the Charter real when the region expressed its collective concern about the deteriorating state of democracy in Haiti. We have been seized with the declining state of Haitian democracy for several years, in particular since the flawed electoral process of May 2000. However, the true extent of that desperation did not crystallize in the consciousness of the Inter-American Community until 17 December.

An armed attack on the National Palace which some observers believe was a coup attempt was followed by several days of attacks by supporters of the ruling Lavalas Party against members of the opposition, burning party headquarters, private homes, and killing at least three persons. The Community reacted by "evoking" rather than "invoking" the spirit of the Democratic Charter, and by adopting a resolution designed to strengthen Haitian democracy, not punish the Haitian government. Condemning the loss of life and the destruction of property, the resolution called for the government to work with the international community to establish an OAS mission, and for the Secretary General to assign technical experts to that mission to help in the development and strengthening of Haiti's democratic political processes and institutions.

The resolution called on the government of Haiti to take a series of six specific steps to restore a climate of security necessary for resuming political dialogue, and it instructed the Secretary General to monitor essential elements of representative democracy and compliance with any accord that may result from OAS-sponsored negotiations.

It also called for a Commission of Inquiry to investigate the violence surrounding the events of December 17, and for the Inter-American Commission on Human Rights (IACHR) to perform an on-site visit to analyze and report on conditions. I am pleased to say that thanks to the financial contribution of many OAS member states as well as several European observer states the initial component of the Haiti mission has been deployed, and it enjoys excellent leadership. The 15 to 20-person mission has four components, intended to assist Haiti in each of the four areas:

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security, administration of justice, human rights, and governance. The IACHR has already performed its on-site visit and assessment.

The three-person Commission of Inquiry has been performing its work for several weeks. And I'm especially pleased to say that, thus far, cooperation between the Government of Haiti and the mission has been auspicious. The mission is currently expected to last a year. And if things continue to go as they have the past several weeks, the potential for success at a time when forward progress is badly needed will be much improved. The OAS will seek to jump start negotiations when both sides are prepared to do so, depending on the climate of confidence and security. Hopefully, the OAS will be able to count Haiti as the Democratic Charter's first success story. But we have a lot of ground to cover before we can even predict that outcome.

## **Venezuela**

The Charter's second challenge came only three weeks ago on April 11 when after the Venezuelan military refused to fire upon unarmed, peaceful demonstrators. According to the best information available at the time, President Chavez had fired his vice president, dismissed his cabinet, and resigned, and was arranging another hasty trip to Cuba. Therefore, on April 12, Pedro Carmona swore himself in as provisional president, called for new elections, and ordered that the National Assembly and Supreme Tribunal of Justice be dissolved. President Chavez returned to office late at night on April 13.

Invoking Article 20 of the Charter, Secretary General Gavia on April 13 convoked the OAS Permanent Council to perform a collective assessment. The Permanent Council condemned the alteration of constitutional order and convened a special session of the General Assembly under the Democratic Charter on April 18. In the first hour of April 19, the region's foreign ministers adopted a resolution that essentially opens the "toolbox" of the Democratic Charter for the purpose of reinforcing democratic institutions in Venezuela. It calls on the Venezuelan government to respect the essential elements of representative democracy and the rule of law while redoubling its efforts toward national dialogue and national reconciliation. The resolution also confirms that the Inter-American Commission on Human Rights (IACHR) will perform an on-site visit to Venezuela the first week of May.

While encouraging the Venezuelan government to take advantage of the tools offered by the Charter, the resolution leaves the degree of OAS involvement largely up to the Venezuelan government. Perhaps most significantly, however, the resolution focuses a regional spotlight on the state of Venezuela's democratic institutions and procedures while pledging the OAS's continued attention and support. Although the situations are obviously very different, the crises in Haiti and Venezuela are similar in that neither emerged suddenly in a single day. Haiti's democratic institutions did not collapse on December 17; nor did Venezuela's collapse on April 12. Rather, the democratic institutions of both countries have experienced a slow decline that was apparent to the entire Inter-American Community. And as Secretary Powell mentioned in his statement on Venezuela to the OAS General Assembly on April 18, the region could have and should have acted sooner.

The symptoms of the declining state of Venezuelan democracy had been clear for many months.

- As early as 1999 - or certainly by 2000 - it should have been clear to the Inter-American Community that several essential elements of representative democracy had already been severely compromised in Venezuela.

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- As a community, we should have known that separation of powers and independence of the branches of government were inexorably breached when President Chavez re-established branches of government particularly the judicial branch, through executive decision.

- It should have been clear to us that freedom of association was in trouble in Venezuela when President Chavez challenged the independence of Venezuela's trade union movement.

- The Inter-American Community should have known when we observed President Chavez's repeated public threats against the Venezuelan media, including against individual journalists that freedom of expression was being compromised.

- It should have been clear to us when supporters of President Chavez acted upon those threats by intimidating the media that President Chavez's words were more than mere rhetoric.

- The Inter-American Community should have known there was a problem when President Chavez condemned the Catholic hierarchy as a "tumor" on Venezuela that needed to be "lanced." And when he rejected the Papal Nuncio's calls to refrain from political confrontation.

- And, we should have known, as a community, when we observed the dramatic extent of the polarization of Venezuelan society.

The OAS could have and should have acted sooner to employ preventative measures to ensure that the problems in Venezuelan society, which led to the events of April 12 were addressed before crisis struck and dozens of lives were lost.

Today, the preconditions of the April crisis in Venezuela are as bad or worse. Unless Venezuelans of good will work together to correct those conditions, that sister republic will be in peril. And the OAS and our Democratic Charter have indispensable roles to play in helping Venezuela clear those perilous waters. We cannot say that the Charter has succeeded if these conditions persist and the Inter-American Community does nothing until the next crisis. We have an obligation to help, and, I would submit, the government owned vehicle has an obligation to let us help. The very existence of the Charter and its delineation of the essential elements of democracy provides us the benefit of a clear framework with which we can help democracies in crisis before violence erupts, before people are killed, and before there is a break in the constitutional order.

Thus far, I think the Inter-American Community has done an excellent job at defending the crucial concept of constitutionality. Clearly, however, the Community needs to be more focused on the health of the essential elements of democracy of its members. As countries become more comfortable with and accustomed to the Charter, I think they'll be better able to take advantage of the tools it provides. I would hope that, in the future, countries beset by problems with their democratic systems will increasingly look to the OAS, and the Democratic Charter, as a valuable instrument of prevention and remedial mechanisms to forestall further deterioration of their political order.

In other words, I would like to see countries in trouble recognizing their own problems, and requesting assistance under Article 17 to strengthen institutions and forestall crises, like the ones we've seen in Haiti and Venezuela.

## **Cuba**

Before I finish, I would like to reiterate how significant it is that the Western Hemisphere has agreed upon a set of core values, and how that seemingly simple act has galvanized the sense of

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community that the nations of the Americas share. Many of you know, for example, that this year's United Nations Human Rights Commission in Geneva represented the first time Latin countries took the lead in adopting a resolution on the human rights situation in Cuba. And if you take a look at the resolution, you will notice that it refers directly to the *Inter-American Democratic Charter*. The resolution infuriated the Cuban dictator.

I do not believe it was mere coincidence that this important event happened to occur seven months after the establishment of the *Inter-American Democratic Charter*. The message sent by the adoption of the Charter is clear;

Every government in the region recognizes that the political culture of this hemisphere is based on democratic values and practices, and that governments devoid of democratic values and practices governments like the Castro government are an affront to the entire Inter- American Community as well as its own people.

Why is the Castro government afraid of this document? Because Castro knows that the document demonstrates that the Inter-American Community truly is a community of democracies; and that his regime is on the outside looking in. I predict that as the inevitable transition to democracy gets underway in Cuba, the Democratic Charter will be the standard to which Cuban leaders will be held. They will be held to that standard by their own people as well as by the international community because the Cuban people know that they belong inside the Inter-American Community of shared democratic values.