

## **DIVISIONS AT THE HEART OF LATIN AMERICAN REGIONAL DEMOCRACY EFFORTS**

**ANDREAS E. FELDMANN | MARCH 16, 2015**

In the past two decades, Latin American countries have put in place various regional mechanisms to defend democracy. Latin American governments have mobilized these mechanisms in response to interruptions of the democratic process. However, the effectiveness of these instruments has been hampered by political divisions among Western Hemisphere countries—including those between leftist and social democratic-liberal Latin American governments and those between North and South American governments.

The weaknesses of Latin American democracy and human rights mechanisms reflect the fact that many countries in the region have not fully internalized democratic norms. Even those states that support liberal versions of democracy commonly prioritize geopolitical and strategic interests over democracy.

### **THE DEVELOPMENT OF REGIONAL DEMOCRACY MECHANISMS IN LATIN AMERICA**

Latin American regional democracy promotion efforts date to the creation of the Inter-American Human Rights system in 1959. Comprising the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, the system contributed to the recovery of democratic rule across the Americas in the 1980s. Its courageous denunciation of dictatorships curbed many regimes and emboldened democratic forces. This was the case in Brazil, Central America, and the Southern Cone.

During the period of democratic transitions in the region, Latin American governments created additional regional mechanisms for the defense of democracy. In 1991, the Organization of American States (OAS) member countries agreed (in Resolution 1080) to take action in cases of “sudden or irregular interruption of the democratic political institutional process or of the legitimate exercise of power by the democratically elected government in any of the Organization’s member states.”<sup>1</sup>

Special measures include the convocation of an emergency meeting of the Permanent Council, the deliberative organ of the OAS, to discuss concrete steps that, in accordance with the organization’s charter, could be taken to defend and preserve democratic rule.

This opened the way for external intervention in the domestic affairs of OAS member states. It was a significant step in light

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of these countries' firm defense of national sovereignty—a position explained by their colonial past and by regular episodes of U.S. intervention in the region.

The commitment to defending and promoting democracy was buttressed by the adoption of the Inter-American Democratic Charter in 2001. The charter establishes that peoples in the Americas have a right to live under democratic rule and that member states have an obligation to defend and promote representative democracy. Countries agreed to engage in a permanent dialogue concerning the state of democracy and to monitor internal conditions in member states. Resembling efforts in Europe in the 1950s,<sup>2</sup> the charter thus sought to “lock in” democratic rule and prevent possible authoritarian backlashes through a supranational mechanism anchored within the OAS.

The charter establishes that unconstitutional actions undermining the democratic order in any member state will activate a diplomatic process led by the OAS aimed at the restoration of democratic rule. If diplomatic persuasion and constructive dialogue fail, a two-thirds vote of the members may suspend a state from the organization until democratic rule is reestablished.<sup>3</sup>

The Union of South American Nations (UNASUR), created in 2008, was conceived as an alternative and complement to the OAS, which leaders of many South American countries believed then and now is excessively influenced by the United States. UNASUR has created formal democracy promotion mechanisms. These include its Electoral Council, which monitors elections in the region. It has also established diplomatic mechanisms to intervene during democratic crises, particularly when the country in question rejects OAS intervention.

This proved relevant to Venezuela in 2013 when UNASUR had to step in after the Venezuelan government blocked OAS intervention following the election to choose former president Hugo Chávez's successor.<sup>4</sup> Venezuela contended that the OAS was advancing a U.S. agenda and therefore could not be seen as an impartial player.

## THE RECORD: RHETORIC VERSUS IMPACT

Assessments differ on the effect these various mechanisms have had on democracy in the Western Hemisphere. While certainly not negligible, it is also true that their impact has been rather modest and contrasts sharply with the loud rhetoric that accompanied the creation of the mechanisms.

The OAS's political instruments have had moderate success in containing and solving political crises. Resolution 1080 has been invoked eight times: the coup against then president Jean-Bertrand Aristide in Haiti (1991); then president Alberto Fujimori's auto-coup, or “self-coup,” in Peru (1992); violent riots and chaos in Venezuela (1992); the failed coup attempt in Guatemala; and successive democratic crises in Paraguay (1996, 2000) and Ecuador (1997, 2000).

The Inter-American Democratic Charter has been used on several occasions, including the failed coup against Chávez in Venezuela (2002); further instability in Ecuador concerning clashes between the executive and legislative powers (2005, 2010); governability crises derived from violence and sociopolitical instability in Bolivia (2003, 2005, 2008), Peru (2004), and Nicaragua (2004, 2005); and the coup against then president Manuel Zelaya in Honduras (2009).

In some of these cases, the OAS was instrumental in preventing the worsening of political crises by facilitating dialogue between the concerned parties. Opportune action undoubtedly helped avert authoritarian relapses. The OAS often persuaded parties to moderate their positions with a view toward finding common ground and preserving democratic rule.

The Bolivian crisis of 2005 provides an example of this. After then president Carlos Mesa's controversial hydrocarbon law unleashed widespread social unrest and a concomitant political crisis, the OAS stepped in, agreeing to supervise elections and to foster a dialogue among parties. In Ecuador, the OAS facilitated the resolution of at least two crises related to tensions between the executive and legislative powers over their interpretation of the constitution. OAS interventions in Guatemala, Nicaragua, and Peru also helped resolve democratic emergencies.

However, in more complicated cases, OAS intervention proved less fruitful. During the failed coup attempt against Chávez in 2002, for example, the OAS succumbed to U.S. pressure not to take decisive action against the perpetrators.

In Honduras, the OAS could not resolve the crisis that followed the ousting of Zelaya, who was whisked by the military from his residence in his pajamas and flown out of the country in a private jet. The coup provoked a bitter dispute between OAS member states sympathetic to Zelaya's leftist government and others (Canada, Mexico, and the United States) that were less critical of his overthrow. After a long and difficult process characterized by accusations and recriminations, the OAS finally suspended Honduras from the Inter-American Democratic Charter. It was a Pyrrhic victory, however, for it deepened distrust and resentment among member states and debilitated the organization.

The 2012 Paraguayan crisis is another example of failure. Latin American countries belonging to the Bolivarian Alliance for the Peoples of Our America (ALBA) reacted with indignation to the impeachment of then president Fernando Lugo, recalling their ambassadors from Asunción. Canada, Chile, Colombia, Mexico, and some other OAS member states adopted a wait-and-see position, looking seriously at the rationale used by the Paraguayan Congress to impeach Lugo. Trying to reach a consensus, the OAS secretary-general, José Miguel Insulza, argued that while the impeachment was problematic and probably biased against Lugo, it was nonetheless constitutionally legal.

### **WHEN DEMOCRACY MECHANISMS WORK— AND WHEN THEY DON'T**

What these examples reveal is that OAS democracy promotion and protection mechanisms worked well when member states' views coincided and therefore allowed the organization enough diplomatic support to solve crises. But when states staked out divergent positions, the OAS failed to make much of a difference. This demonstrates the limits of a consensual diplomatic democracy promotion strategy.

The mechanisms work best in acute cases characterized by the interruption of democracy or by serious disputes among parties that threaten to derail democracy. That is, the OAS is efficient when threats are abrupt and clear.<sup>5</sup> It is less effective in dealing with a slow, incremental erosion of democratic order.

This point is reflected in the problems that the organization's human rights system has faced in recent years. Assessing the influence of the OAS's human rights machinery is difficult because the impact of human rights work tends to be incremental, subtle, and long term. Human rights institutions in the Americas are certainly well regarded for their technical capacity and evenhandedness. Their main contribution includes developing and socializing democratic norms, monitoring conditions on the ground, and setting human rights standards that have shaped domestic legislation.<sup>6</sup> While human rights abuses are still widespread, the situation would be worse without a human rights system constraining states' behavior.

However, some countries that resent interference in their internal affairs have weakened the Inter-American Commission on Human Rights. Several countries, including Brazil, have disobeyed the human rights machinery's precautionary measures (such as requests to the state to take immediate and concrete actions to prevent irreparable harm to people).

The work of the commission's special rapporteur for freedom of expression, who has been critical and vocal about the gradual erosion of important democratic rights in several countries, has drawn opposition in several states. President Rafael Correa of Ecuador, for example, accuses the commission of protecting the media's freedom of extortion.<sup>7</sup> Bolivia, Ecuador, Nicaragua, and Venezuela have threatened to pull out of the commission unless it is significantly reformed (read: weakened). Moreover, most countries have failed to comply with commission rulings. These include rulings on amnesty laws, freedom of expression, and nationality. The Dominican Republic, for example, withdrew unilaterally from the commission over disagreement on a ruling having to do with the rights of Haitians and Dominicans who had been expelled from the country.<sup>8</sup>

In the realm of democracy promotion, UNASUR displays modest results. The organization has monitored elections (Bolivia and Venezuela) and intervened in some crises including Paraguay (2012) and Venezuela (2013). UNASUR became a valid alternative to the OAS in cases where insurmountable differences among member states impeded external intervention in defense of democracy. Diplomats say that South American officials like to gather in a more private, intimate forum in which they can resolve their differences candidly and without feeling constrained by U.S. pressure.<sup>9</sup> UNASUR has not made a substantial difference in terms of addressing democratic crises, however. While it is commendable and legitimate for South American states to develop their own diplomatic space, the establishment of UNASUR has created incentives for forum shopping, which risks pushing the OAS to the sidelines.

### **WHY HAS DEMOCRACY PROMOTION FALLEN SHORT?**

Democracy promotion mechanisms in the Western Hemisphere have failed to make a real difference because the instruments lack teeth—they do not entail the credible threat of political or economic consequences. Federico Merke, from the Universidad de San Andrés in Argentina, rightly argues that another problematic issue concerns the lack of commonly agreed metrics to gauge just what constitutes a danger to democracy.<sup>10</sup>

Yet, the main reason behind the failure to promote and defend democracy in the Western Hemisphere relates not to the instruments as such but to member states' political caution. Notwithstanding the strong rhetorical commitment to democratic practices, states have failed to act in a decisive manner—or worse, have used democratic crises to further their interests. Only Costa Rica and perhaps Uruguay have consistently shown commitment to a principled foreign policy that takes democracy promotion seriously.

Two sets of factors explain this situation. On the one hand, some countries, notably ALBA members, do not regard liberal

democracy as a desirable system of governance. Leaders of these countries opt, in their own words, for popular democracy, an illiberal version of democracy that has led to a gradual yet systematic erosion of democratic values. ALBA members have remained silent in the face of blatantly antidemocratic moves by ideologically friendly regimes—while vociferously denouncing the abuses and double standards of the United States and some of its allies in the region. No leader of an ALBA country, including Argentina, has spoken out against the harassment of opposition members in Venezuela and Bolivia or the serious attempts to curb freedom of expression in Ecuador. None has criticized the imprisonment of an opposition politician in Venezuela, Leopoldo López—a glaring violation of the fundamental principles of any democracy, Western or non-Western.

The recent arrest of the democratically elected mayor of metropolitan Caracas, Antonio Ledezma, was a turning point in Venezuelan politics that showed the determination of President Nicolás Maduro's administration to repress democratic opposition. This has again prompted a timid response on the part of UNASUR members. While the foreign ministers of Brazil, Colombia, and Ecuador are due to visit Caracas and UNASUR is discussing solutions to the crisis, no decisive measures to defend the embattled Venezuelan democracy seem to be on the table.

On the other hand, the United States has failed to defend democracy in regimes that it deems problematic. In the Honduran case, the United States did not condemn the coup because it disliked and distrusted the left-leaning Zelaya administration. In the case of the aborted Venezuelan coup of 2002, the United States not only failed to condemn the move but also pressured the OAS not to get involved. For all its problems at that time, Venezuela was arguably democratic—and the U.S. actions undermined democratic promotion and defense. The irony is that this ended up reinforcing undemocratic tendencies within Venezuela. Conversely, the United States remained on the sidelines during the failed reelection attempt by former Colombian president Álvaro Uribe, one of its staunchest allies in the region. Ideological preferences

lie behind the erratic U.S. behavior but so do geopolitical concerns, including the involvement of extra-regional powers (China, Iran, and Russia).

A troubling development concerns Canadian policies under Prime Minister Stephen Harper. While Canada is a rather marginal player in Latin American affairs, many Latin American states over the years have appreciated its traditionally moderate, candid way of approaching democracy issues in the region. The Harper administration has exchanged Canadian prudence for a more militant, anti-leftist position that echoes U.S. policies. Canada's position in the Honduran and Paraguayan crises and its rather pugnacious attitude toward Venezuela reflect this trend.

Brazil has also acted in an inconsistent fashion. While Brazilian officials have defended democratic principles in Paraguay, they have not denounced the erosion of democracy in ALBA countries. Brazil has opted for a so-called incremental approach based on silent persuasion. It is an open question whether this prudent stance has actually helped to prevent violent backlashes, as Brazilian officials argue, or whether it simply accommodates undemocratic regimes with which Brazil has a strategic relationship.

## CONCLUSION

Regional mechanisms for defending democracy in Latin America have evolved but remain subject to shortcomings. This highlights the degree to which the region's turn toward democracy remains unfinished business. The existence of regimes that rule in ways that clearly do not conform to genuine democratic principles means that regional democracy support faces serious obstacles. Democracy promotion is further undermined by the ambivalent stance of the United States, which in the purported defense of its national interest supports geopolitical agendas that often clash with democracy promotion. It is also weakened by the timid stance of the more consolidated Latin American democracies of Brazil, Chile, Colombia, and Uruguay, which have failed to take a more determined position in defense of democracy.

Fearful of acting in ways that would undermine Latin American cohesion or negatively affect their economic interests, officials in these countries have not spoken out against the incremental corrosion of democratic values. Leaders of Chile, Colombia, and Mexico, in particular, have avoided openly criticizing other countries in recent years to prevent being isolated in a region gravitating toward the left.

The obstacles that the countries of the Western Hemisphere have encountered in buttressing democracy show only too clearly that full democratic consolidation in some cases remains elusive. The idea that democracy advances in a teleological fashion has simply not been backed by reality. Instead, the lesson from Latin America is that even in a region that is largely democratic, the promotion of democracy can be limited and problematic. As a result, those countries genuinely committed to democratic promotion need to realize that authoritarian relapse is a real possibility.

## NOTES

- 1 Organization of American States, “Representative Democracy,” Resolution 1080 paragraph 1, [www.oas.org/juridico/english/agres1080.htm](http://www.oas.org/juridico/english/agres1080.htm).
- 2 Andrew Moravcsik, “The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe,” *International Organization* 54, no. 2 (2000): 217–52.
- 3 Inter-American Democratic Charter, article 3, [www.oas.org/charter/docs/resolution1\\_en\\_p4.htm](http://www.oas.org/charter/docs/resolution1_en_p4.htm).
- 4 Democracy promotion mechanisms are also present in the South American Common Market (MERCOSUR). They include the Declaration on Democratic Commitment (1996) and the Ushuaia Protocol (1998).
- 5 Federico Merke, “Regional Mechanisms for the Protection of Democracy in Latin America,” paper presented at the Carnegie Rising Democracies Network Meeting, São Paulo, Brazil, November 3–4, 2014.
- 6 Par Engstrom and Andrew Hurrell, “Why the Human Rights Regime in the Americas Matters,” in *Human Rights Regimes in the Americas*, ed. Mónica Serrano and Vesselin Popovski (Tokyo: United Nations University Press, 2010), 29–55.
- 7 “Chipping at the Foundations,” *Economist*, June 9, 2012, [www.economist.com/node/21556599](http://www.economist.com/node/21556599).
- 8 I/A Court H. R., *Case of Expelled Dominicans and Haitians v. Dominican Republic*, Preliminary Objections, Merits, Reparations and Costs, Judgment of August 28, 2014 Series C No. 282, [www.corteidh.or.cr/cf/Jurisprudencia2/busqueda\\_casos\\_contenciosos.cfm?lang=en](http://www.corteidh.or.cr/cf/Jurisprudencia2/busqueda_casos_contenciosos.cfm?lang=en).
- 9 Author interview with former Chilean foreign minister, Santiago, December 2011.
- 10 Merke, “Regional Mechanisms for the Protection of Democracy in Latin America.”

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For a response to this piece from an African perspective, see the comment by Professor Gilbert Khadiagala, at: [CarnegieEndowment.org/2015/03/12/divisions-at-heart-of-latin-american-regional-democracy-efforts/i3to](http://CarnegieEndowment.org/2015/03/12/divisions-at-heart-of-latin-american-regional-democracy-efforts/i3to)

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