



Organization of
American States



REMARKS BY THE OAS SECRETARY GENERAL, JOSE MIGUEL INSULZA

HEMISPHERIC COMMEMORATION OF THE 10TH ANNIVERSARY OF THE INTER-AMERICAN DEMOCRATIC CHARTER AND RENEWAL OF THE COMMITMENT OF THE AMERICAS TO DEMOCRACY

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First of all, I would like to thank the President of the Republic of Chile, Mr. Sebastián Piñera Echenique, for being present here today. We are grateful, Mr. President, for your government's generous offer to host this momentous Commemoration of the 10th Anniversary of the Signing of the Inter-American Democratic Charter. Thanks to your decision and to the outstanding preparatory work by the Ministry of Foreign Affairs, we have a more than adequate venue and conditions for this important celebration. I also wish to express appreciation to the ministers of foreign affairs and ministers of state and to other eminent persons from various countries of the Americas who have come together here to pay tribute to our Democratic Charter.

Democracy has traveled a long and difficult path to establish itself and be recognized as the only legitimate political system in the region. Not only did it go through difficult stretches of military dictatorships, authoritarian governments, external intervention, internal armed conflict, high levels of political violence, and systematic repression by the state, but it also often had to cope with efforts to ideologically legitimize antidemocratic "processes."

Democracy has been embodied in the OAS Charter from early on, but it was actually or theoretically postponed or suppressed through such arguments as the defense of liberty, external threats, or the promise to establish supposedly better regimes.

Today democracy is a necessity; it is the only form of government recognized by our region. The first article of the Inter-American Democratic Charter enshrines it as a "right of the peoples of the Americas." It is now the key role of the Organization of American States to develop, strengthen, and safeguard it.

This new stage was officially initiated in Chile, when the OAS General Assembly, meeting in Santiago in 1991, adopted resolution 1080, “Representative Democracy,” which committed the same member countries you are representing today to the common defense of democracy, which was in the process of reemerging in the Hemisphere. For the first time, the states of the Americas resolved to react jointly to situations of risk that could undermine their democratic continuity. This regional commitment gained strength in other decisive events and finally culminated in the unanimous adoption of the Inter-American Democratic Charter on September 11, 2001, at a special session of the OAS General Assembly in Lima, Peru.

It should be mentioned that earlier on, at the Third Summit of the Americas, held in Quebec City (April 20-22, 2001), our Heads of State and Government had instructed their foreign ministers to define a common concept of democracy. The Democratic Charter met that objective and provided a broad definition of democracy, which set forth its essential components, the means of selecting its leaders, recognition of the civil, political, and social citizenship of its inhabitants, and basic rules of conduct for its governments.

The Democratic Charter transcends the idea of electoral democracy; it alludes not only to the democratic origin of power but also to the exercise thereof. Democracy does not merely entail democratic elections. It also entails a democratic form of governance that respects the rights of all people. The Democratic Charter sets forth a common program for our nations to build our democracies and, like every political program, it incorporates an ideal to be pursued—the goal and the values for which power should be exercised.

After 10 years of existence and implementation of the Democratic Charter in the Hemisphere, it seems appropriate to take stock and to assess its legacy from two perspectives: as a political-institutional program and as a mechanism for the collective defense of democracy.

From the first perspective, we can state today that all of the region’s governments have come to power as a result of free and transparent elections, without any doubt as to their results. No one at this time calls into question that, for a government to be considered democratic, the only legitimate means of its coming to power is through the polls.

OAS electoral observation missions provide a guarantee of free and transparent elections and lend credibility to electoral processes and outcomes.

Cooperation agreements between the OAS General Secretariat and the member states have gone beyond electoral issues and have helped consolidate democratic institutions in every regard, including transparency and good governance, strengthening of and concerted action by the other branches of government, social protection, enhanced administration of justice, gender equality and nondiscrimination, effective citizen participation, and most especially the protection and promotion of human rights and freedom of expression.

Despite the achievements and advances made in the political-institutional sphere, much remains to be done in this ongoing—and indeed endless—process of consolidating democracy.

Undeniable advances have been made in reducing poverty and extreme poverty and in increasing citizen inclusion and participation in forging and expanding democracy. Nonetheless, the Hemisphere still has high rates of poverty compared to its level of development. Moreover, these socioeconomic differences are influenced by color, ethnic origin, gender, and a specific geographic distribution. The level of people's support for and satisfaction with democracy will depend in large measure on a swift, sustainable response to these structural problems. In point of fact, poverty and discrimination produce different categories of citizens, with different rights, which tend to become hereditary as a result of unequal opportunity. This runs counter to democracy. It is in the positive transformation of people's lives and in increased opportunities that democracy becomes meaningful and relevant and that citizenship becomes a reality rather than an ideal.

Equally detrimental to the full exercise of democratic citizenship are drug trafficking and the action of organized criminal gangs, which terrorize the population and challenge democratic authority in diverse countries of the region. Crime can become a serious threat to democracy when it seeks to control territory, murder those who attack and report it, and operate according to its own laws.

The establishment of a stable democratic institutional system is a fundamental aspect of democracy—one that is necessary to address the problems raised. During the 10 years the Democratic Charter has existed, democratic institutions have been consolidated and governance in our countries has become more stable. However, certain trends persist that weaken said institutions, in particular frequent changes in the rules of the democratic game, the judiciary's lack of independence, and threats to freedom of expression and to freedom of the press, which suffers as a result of efforts to overregulate it, excessive concentration of media ownership, and systematic attacks on journalists by organized crime. All of this is

harmful to the republican power structure and strikes at the foundations on which democracy is based and operates.

Viewed from the second perspective, our Democratic Charter also embodies a collective mechanism for defending democracy in the region. Anticipating the emergence of situations of instability and political crisis, its regulatory framework provided for diplomatic measures and mechanisms for joint action to defend the democratic system and the legitimate exercise of power. During the last 10 years, these tools have played a fundamental role in preventing the outbreak and exacerbation of destabilizing situations. The OAS has demonstrated the capacity to act preventively in at least seven situations that affected or jeopardized the development of democratic political institutions or the legitimate exercise of power and thereby avoided unconstitutional alterations and interruptions of the democratic order. Likewise, in the face of alterations of the constitutional regime that seriously undermined the democratic system, as in the case of Honduras in 2009, the pertinent articles of Chapter IV of the Democratic Charter were fully applied in a timely fashion.

A comparison of the Organization's reaction to the coup d'état in Honduras in 2009 with its failure to respond in a timely fashion to Venezuela's in 2002 shows that the OAS has evolved and consequently that any ambiguities concerning what constitutes an interruption of the democratic order have disappeared. Our action in Honduras's case established a fundamental precedent: an attack on democracy in the region entails high diplomatic, political, and economic costs.

In this regard, the Democratic Charter has been successful, to the extent that it helps enhance a culture of democracy and democratic practices in the region. But it does so at a high cost—one that is detrimental to the population and to the country concerned. Looking at the seven cases in which the Democratic Charter was successfully applied, it becomes clear that prevention is much more beneficial and effective than the application of sanctions after the fact.

In the Permanent Council debate over the past year to assess the implementation of the Democratic Charter, all of these matters have been broadly discussed, with a view to making the instrument more effective. I would now like to share with you some opinions and proposals in this regard.

1.- I believe there's broad agreement that it is not advisable to reopen the text of the Inter-American Democratic Charter. As I see it, it would be difficult to envisage a better text; by the same token trying to

do so would lead to useless debate, based more on the political exigencies of the day than on matters of principle.

In this connection, I think that the following reflection can be useful. The constitutions of our countries, especially Latin America's, are characterized by their length and include a set of norms that, being highly relevant in political terms, are more reflective of national particularities and possible cyclical occurrences. Thus all of our constitutions contain norms that have to do with the political sphere itself, norms that establish basic rules for democratic harmony. The first are those that the countries debate and discuss on a day-to-day basis—indeed perhaps too frequently. The second are the principles at the heart of democracy, which should not be the subject of political debate since any breach or substantive alteration of these principles strikes at the very roots of democracy. In general, these are the principles contained in the Inter-American Democratic Charter—principles to which our states jointly committed themselves when they signed it 10 years ago.

2.- When I say that the Charter should be unalterable, these are the principles I'm referring to. On their basis, we should be able to adopt additional norms and mechanisms to apply them more effectively, but through other resolutions. In particular, I think we should clarify the situations alluded to in Chapter III, where distinct forms of collective action are envisaged in response to possible threats to or interruptions of the “constitutional order” or the “democratic political institutional process.”

It is clear from the deliberations of the Third Summit of the Americas, in Quebec City, that our Heads of State and Government considered breaches other than traditional coups d'état. On that basis, we should explicitly and more precisely define which situations constitute serious alterations or violations of the constitutional and institutional order, in order to more clearly establish the Organization's sphere of action and the circumstances for its possible action, or, in other words, which measures constitute a substantive breach of the fundamental principles of the democratic constitutional order. This could be achieved through a political consensus arrived at formally and reflected in a General Assembly resolution.

I should clarify that this is not just any interruption or violation. Our presidents and prime ministers in Quebec City made a point of expressing their support for state sovereignty and the principle of nonintervention. The application of democratic principles is not perfect. For human rights violations or for problems that can have an impact on the media, the Organization has other means of responding. But massive electoral fraud, widespread human rights violations, the indiscriminate (discriminatory) closing of most of the media, and the illegitimate dissolution of and substantive interference in a branch of

government are examples of situations in which the basic rules of democracy are being tampered with and, in these cases, the provisions of Chapter IV of the Democratic Charter should be applied.

4.- Moreover, it is essential to increase the preventive capabilities of the Organization, especially the General Secretariat's. Along these lines, consideration should be given to the possibility of granting the Secretary General a greater range of political action and increased flexibility, and to strengthening his capacity to provide preventive assistance to member states as political-institutional crises unfold. Such capacities would comprise, among other things, monitoring, technical and analytical support, dispatching missions and special representatives, and initiating negotiation and discussion processes aimed at achieving political agreement, all the while informing the Permanent Council of initiatives and measures taken and of outcomes achieved.

5.- In the final analysis, the decision to apply the Democratic Charter preventively or in response to interruptions of the democratic order will always depend on the will of the member state concerned and on the consensus or majority positions of the other member states. And this is not an insignificant matter, especially compared with other decision-making models used multilaterally. The implementation of the Democratic Charter and of any proposals presented to make its application more effective must be viewed in the context of a search for consensus among all member states and of respect for the parameters set by the principles of nonintervention and noninterference.

6.- Now, having made this assessment of the Democratic Charter, it is necessary to underscore the constructive role the instrument plays. It does not merely concern democratic provisions whose interruption entails the imposition of punitive measures. In the next 10 years, in light of the recognition of democracy as the sole legitimate political system in the region, a more profound view of the Democratic Charter must be arrived at. It must be seen as a program of the Democratic Republic to enhance the quality and effectiveness of democracy and consolidate democratic citizenship in its threefold political, civil, and social dimension.

On the basis of a constructive and collaborative approach, the Permanent Council could be provided with an internal review mechanism whereby, voluntarily and at regular periods, the member states themselves would self-evaluate the level of compliance with the Democratic Charter's provisions. This would facilitate the identification of shortcomings, gaps, and areas for improvement, with preference given to horizontal and technical cooperation to address them.

Shoring up the implementation of the Inter-American Democratic Charter and improving the effectiveness of its application are essential to the future of the Organization and to the consolidation of democracy in the region. The OAS provides a representative hemispheric forum and a set of rules, instruments, and procedures that promote multilateralism as the ideal framework for safeguarding and fostering the growth of democracy in its broadest sense, responding to the collective commitment undertaken but without any intervention or interference contrary to the principles of the inter-American system. The OAS must be provided with a greater capacity to assist the governments of the region in transforming the “right to democracy” into an everyday reality for the people of the Americas.