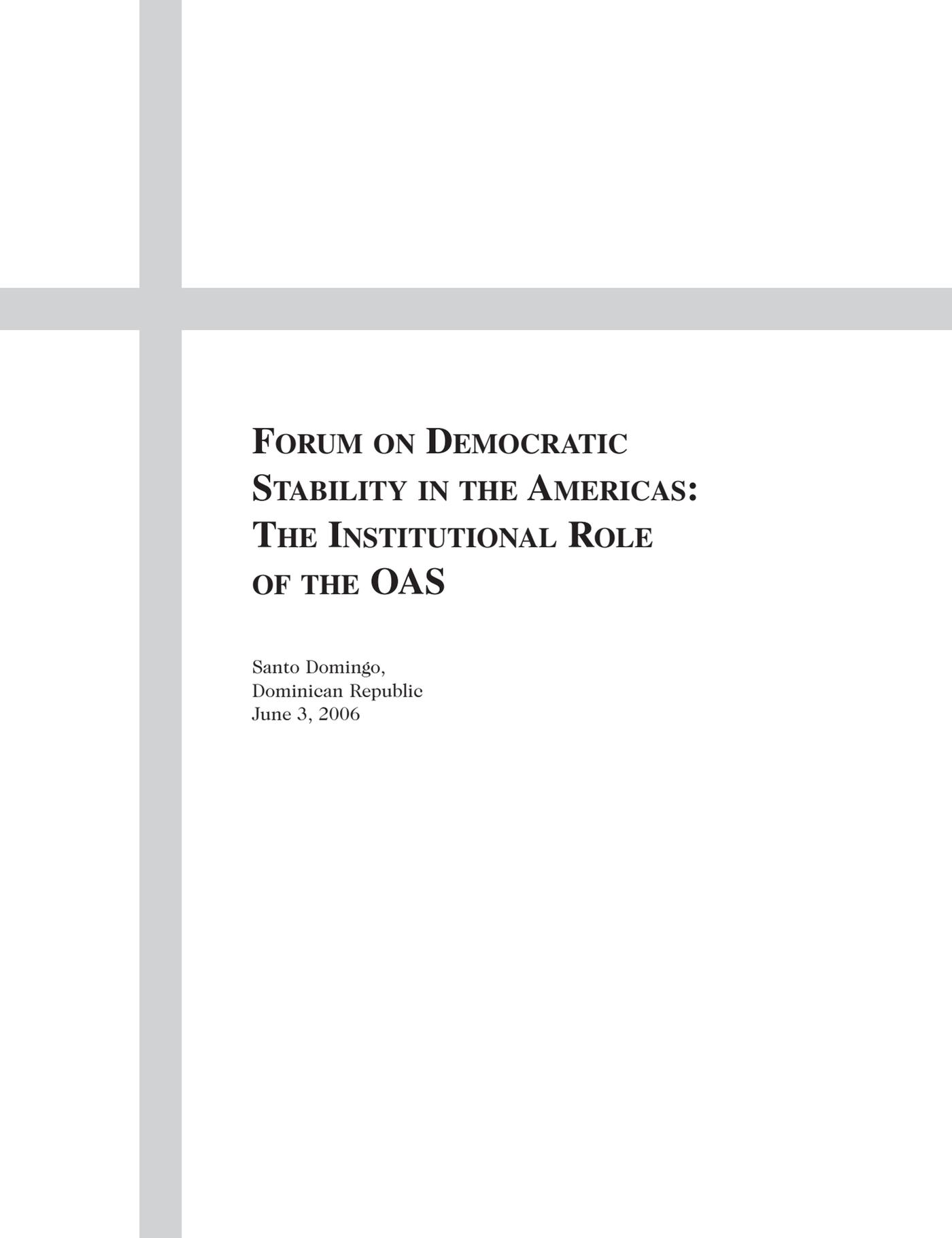


Forum

“Democratic Stability in the Americas: The Institutional Role of the OAS”

Santo Domingo,
Dominican Republic
June 3, 2006



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**FORUM ON DEMOCRATIC
STABILITY IN THE AMERICAS:
THE INSTITUTIONAL ROLE
OF THE OAS**

Santo Domingo,
Dominican Republic
June 3, 2006

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Democratic Stability in the Americas: The Institutional Role of the OAS, held on June 3, 2006.

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INTRODUCTION

The Organization of American States (OAS) has the mandate to take initiatives in response to situations or possible situations of internal crisis in its member states, as well as to help in the prevention and resolution of conflicts that may arise between them.

In pursuit of this mandate, and in observance of the principles of the OAS Charter and the Inter-American Democratic Charter, the Organization deployed Special Missions to Bolivia, Ecuador, Haiti and Nicaragua in 2005, in response to requests for assistance from each government to help address real or potential situations of political and/or institutional crisis of various types. The experiences and lessons from these special missions were presented at the Forum on “Democratic Stability in the Americas: The Institutional Role of the OAS”, held on June 3, 2006 in the framework of the thirty-sixth regular session of the OAS General Assembly in Santo Domingo, Dominican Republic.

This publication summarizes the proceedings of that Forum, which had three main objectives: first, to present the experiences and joint efforts of the OAS and its member states in helping preserve and strengthen democratic institutions during 2005; second, to analyze the nature and scope of those efforts, and the outcomes and lessons learned from them; and third, to foster dialogue about the opportunities and challenges and the future outlook for the work of the OAS in crisis prevention, management and resolution.

This Forum, which was held on the occasion of the OAS General Assembly, just 12 months after I took office as Secretary General, provided an invaluable opportunity to reflect on the role of the Organization and its relationship to political changes in the countries of the Hemisphere. Even more important, it offered a chance to examine progress and challenges in consolidating democracy in the region.

In 2005, the OAS was able to follow a number of political processes in various countries of the Hemisphere simultaneously. The openness, receptivity and collaboration of governments and stakeholders were essential in allowing the Organization to support and facilitate the political accords needed to overcome what were undoubtedly complex situations. Experience in Bolivia, Ecuador, Haiti and Nicaragua shows that the OAS played a decisive role in resolving the political and institutional crises in those countries, and took an active part in overcoming various situations that threatened democratic stability.

When the OAS General Assembly met in Fort Lauderdale one year ago, crises had already broken out or were simmering in several countries of the region. A few days before my election in May 2005, the Permanent Council had to issue a statement on the power dispute in Ecuador, which had seen the President removed from office. During the Assembly meeting itself, the resignation of Bolivia’s President was announced, and the Secretary General was asked to take urgent action to defuse a conflict in Nicaragua that threatened to upset the institutional order. At the same time, there were serious delays in the electoral process in Haiti, including voter registration, a direct responsibility of the OAS. One year later, the regional context in which the General Assembly held its meeting in Santo Domingo (the setting for this Forum) provided evidence of real progress. The four countries mentioned had resolved their crises in a democratic way, and although there are new challenges to be addressed and new obstacles to overcome, there is no doubt that democracy is now a reality in our Hemisphere and not merely a promise for the future.

In 2006 the OAS was invited to observe the more than 13 elections conducted throughout the Hemisphere, in an electoral year unprecedented in the recent history of the Americas. The electoral processes that the OAS observed took place normally and demonstrated that sound electoral practices are deeply rooted in the Hemisphere. This additional achievement of democracy in our Hemisphere poses some new challenges, however, and these translate into direct commitments for the OAS. It is now up to the Organization to take effective and timely steps to ensure that when governments are elected democratically they remain democratic in exercising their popular mandates. The OAS can do much in this respect. To that end, its prevention function needs to be broadened and strengthened in order to improve existing levels of cooperation, deepen dialogue, and make available the immediate support needed to point the way to understanding and resolution for overcoming problems that may arise.

I am grateful to the member states of the OAS and to the peoples of the Americas for the confidence they have placed in the Organization of American States, and especially in the General Secretariat. I am also grateful to all those individuals who have contributed selflessly and effectively, through a kind of “silent diplomacy”, to the success of complex political processes that have allowed us to build a more democratic and more stable America.

A handwritten signature in black ink, enclosed within a large, horizontal, oval-shaped flourish. The signature itself is cursive and appears to read 'J. Insulza'.

*José Miguel Insulza
Secretary General
Organization of American States*

EXECUTIVE SUMMARY

Democratic Stability in the Americas: the Institutional Role of the OAS

In 2005, four countries of the Americas - Bolivia, Ecuador, Haiti and Nicaragua - overcame political and institutional crises that could have placed their democracies at risk. At the request of their governments, the Organization of American States (OAS) deployed special missions. Giving effect to the Inter-American Democratic Charter and the many mandates given by its member states, the OAS responded in an innovative way to the new challenges facing the region's democracies with missions designed to meet the specific needs of each country.

The experiences and lessons from the special missions in Bolivia, Ecuador, Haiti and Nicaragua were presented and discussed at the Forum on "Democratic Stability in the Americas: The Institutional Role of the OAS", held on June 3, 2006 in the framework of the thirty-sixth regular session of the OAS General Assembly in Santo Domingo, Dominican Republic. The principal objective of the Forum was to reflect, based on recent experiences of the Organization, on the parameters for a structured effort to prevent, manage and resolve crises of governance. The event was made possible through the generous support of the Human Security Policy Division of the Department of Foreign Affairs and International Trade of Canada, and the *Fundación Global Democracia y Desarrollo* (FUNGLODE)/Global Foundation for Democracy and Development (GFDD).

The topics that were discussed - democratic strengthening, electoral processes, support for judicial systems, and the promotion of political dialogue - constitute, as Alejandra Liriano, Undersecretary for Foreign Relations of the host country, noted, "the cornerstone on which our institutions, the rule of law, and our possibilities for development must rest." Government delegates, officials of international organizations, representatives of civil society, and academics debated the institutional role that the OAS should assume in the coming years.

The Secretary General, José Miguel Insulza, described for participants the somber atmosphere in which the previous meeting of the General Assembly had unfolded. In Ecuador, the government had been replaced a few days earlier; the Nicaraguan government was headed for a premature end; in Haiti, slow progress in registering voters was putting the elections at risk; and during the Assembly government delegates were informed of the resignation of President Carlos Mesa of Bolivia. Just one year later, the climate that predominated at the General Assembly was quite different. The four crises had been laid to rest with OAS cooperation.

The challenge is real. As the Secretary General put it, it is a question of contributing to "**developing governance so the democracies in the region can become democracies in practice.**"

PROCEEDINGS OF THE FORUM

The text of this publication includes the Rapporteur's Report of the Forum held in the Dominican Republic. That report was prepared by Laura Gil, and summarizes the main elements that emerged during the Forum, in order to help the reader understand what was said and discussed during the event.

BOLIVIA

Supporting the electoral process

Horacio Serpa, Special Representative of the SG/OAS for Bolivia

In 2005 the OAS established a special mission in Bolivia to support the planned election processes: presidential, legislative and prefectural elections, elections to a Constituent Assembly, and a referendum on autonomy. Its terms of reference included observation of the elections as well as political and technical cooperation for the Constituent Assembly and the referendum.¹

“The OAS was invited to Bolivia in the midst of a crisis”, recalled Horacio Serpa, Special Representative of the Secretary General. The constitutional mandate of President Gonzalo Sánchez de Lozada had been cut short, and President Carlos Mesa was exercising power in open confrontation with Congress. In the midst of great social unrest, the President convened a national Constituent Assembly and offered the country the possibility of electing prefects to move towards the autonomy that was being increasingly demanded in various regions of the country. The OAS offered its technical cooperation for organizing the Constituent Assembly, but before the Organization could draw up a formal proposal of support, President Mesa resigned. According to Serpa, society's rejection of its political figures led the presidents of the two chambers of Congress to refuse to appoint a successor from their own ranks, and consequently the President of the Supreme Court, Eduardo Rodríguez, was called upon to serve as President until elections could be held.

The call for early elections for President and legislators, as well as the first elections for prefects, were one of his first presidential acts. In this situation, it was clear that the OAS could contribute by deploying an electoral observation mission that, through its impartiality, would provide assurance to the stakeholders in this complex political scenario. With its permanent presence in the country, the OAS worked with the national authorities and the Bolivian people to identify a path of understanding that led to the peaceful holding of the elections, and produced the credibility and legitimacy necessary for their acceptance by the protagonists to the dispute, despite the many challenges.

The first observers arrived two months in advance. For December 18, 2005, election day, more than 200 observers were stationed around the country. They included representatives of a number of international organizations, as well as parliamentarians from several countries. The observers' presence helped lend credibility and legitimacy to an electoral process that had created great expectations. In Serpa's view, the OAS was able to contribute because of its capacity to reach out to all the political forces in the country and to maintain good communication with all elements of society, and because of the steadfast support for the Bolivian people demonstrated by Secretary General Insulza, who on the very day he took office sent a message guaranteeing that the observer mission would be impartial.

1. CP/RES. 885 (1499/05), July 26, 2005.

Numerous government representatives, local and regional authorities, legislators, business leaders, and most particularly the candidates kept in contact with the Organization. Fundamental factors for the success of the elections were the integrity of President Rodríguez and, apart from some objections voiced by a few candidates, the basic confidence that the political parties placed in the Electoral Court. During the OAS mission's stay, the media gave full coverage to the Organization's activities.

The perils besetting Bolivia's democracy were by no means minor. Horacio Serpa reported that he was constantly receiving warnings from all parts of the ideological spectrum that the situation could explode into a civil war. Opinion polls gave a slight advantage to President Evo Morales over his opponent Jorge "Tuto" Quiroga, but that margin was so narrow as to threaten a "catastrophic tie". Such a scenario was even more alarming because the Electoral Court predicted that it could take up to 10 days to finish counting the votes. The results of the quick count performed by the OAS, shortly after the polls closed, were transmitted to the authorities.

Six months later, the OAS also observed the voting organized to elect members of the Constituent Assembly. Once again, the observers' statements bore testimony to the transparency of the elections. In the tense atmosphere surrounding both elections, the OAS presence gave confidence to the authorities, to the candidates and to society in general. It became an instrument of deterrence and helped to validate the results. Today, the Organization is working with the government to find new mechanisms and instruments to support a member state as it fosters the Constituent Assembly process.

ECUADOR

Supporting the Reestablishment the Supreme Court of Justice

José Antonio Viera-Gallo, Special Representative of the SG/OAS for Ecuador

The OAS Secretary General, in response to a request by the Ecuadorian Government, established a Special Mission to accompany the process of selecting members for the Supreme Court of Justice between July and November of 2005. He appointed Sonia Picado (Costa Rica) and José Antonio Viera-Gallo (Chile) as his Special Representatives. The Special Mission was carried out in accordance with the provisions of the Inter-American Democratic Charter and, in particular, resolution 883 of the Permanent Council (May 5, 2005), which instructed the OAS Secretary General to make available to the Government of Ecuador all the resources and experience of the OAS in strengthening democracy.

When the mission arrived in Ecuador, the country had been without a Supreme Court for more than a year. Twice, in December 2004 and again in April 2005, a parliamentary majority, with the support of the President of the Republic, had dismissed the judges of the Court, accusing them of corruption and of ties to political parties. “This anomalous situation”, said Viera-Gallo, “was closely related to the crisis of governance and stability in the institutions of the Ecuadorian political system.” In effect, President Lucio Gutierrez’ approval of the court’s dissolution cost him dearly in popular support. His fall from power came when Congress, invoking Article 167 of the Constitution, declared that he had abandoned office, and it passed the constitutional succession to the acting Vice President, Alfredo Palacio, to complete the term of office.

Congress amended the Organic Law of the Judicial Function to establish a mechanism for electing magistrates and associate judges of the Court in this situation. It established an ad hoc mechanism to reestablish the highest judicial body, given the impossibility of applying the co-option system called for in the national Constitution. Many Ecuadoreans considered the amendment of the organic law as well as the ad hoc mechanism it contained to be unconstitutional because the Constitution requires that the Supreme Court must select its own members. Nevertheless, more than 300 candidates submitted their CVs for the 31 magistrate and 22 associate judge positions. All of them were subjected to a complex selection process that included an examination of knowledge and detailed scrutiny of their backgrounds. The selection committee included representatives of the Bar Association, law schools, and members of the judiciary.

The main problem facing the OAS was the high degree of public skepticism. Daily questions were posed as to whether the best candidates would be selected, whether economic and political groups would influence the selection, how long the new Supreme Court would last, and whether the judges would be able to act independently. The first task of the OAS, then, was to instill a climate of confidence. In contrast to the Nicaraguan case, the special mission considered it wise to establish close ties to the press in this effort. The Ecuadorian media were sowing doubts about the process on a daily basis. Viera-Gallo met with editors, opinion leaders, and journalists from radio, press and television. Little by little, the media began to transmit a new message: on one hand, recognizing the honesty of the committee and, on the other, the relevance of international and national observers. At least, says Viera-Gallo, the climate shifted from one of apprehension to one of cautious expectation. Yet creating confidence also required some convincing deeds. Consequently, the OAS helped the Department of Finance to transfer funds to the selection committee so that it could begin its work.

A number of elements conspired to strain the political climate in which the magistrates were to be selected. Debate over the need to convene a Constituent Assembly could have blocked the process. People wondered what point there was in naming a new Supreme Court of Justice if there was to be a new Constitution. In the debate over the Constituent Assembly there were sharp confrontations between the executive and the legislature. In addition, abrupt changes in the Cabinet, in both the interior and the foreign relations portfolios, added to the political uncertainty.

According to Viera-Gallo, the OAS experience in Ecuador demonstrated the need to win the confidence of political figures and of national public opinion, and the importance of respecting the country's political culture. With its presence in Ecuador, the Organization helped ensure transparency in the appointment of judges to the Supreme Court, and thereby strengthened the independence of the judiciary.

In this way, the OAS supported the government's efforts in the critical process of reestablishing the Supreme Court of Justice after a severe political and institutional crisis that had led to the ouster of President Lucio Gutiérrez and the arrival in power of President Alfredo Palacio. The successful effort in support of the rearrangement of state institutions highlighted the value of coordinated action among the OAS, the United Nations, and the Andean Community, as well as with national organizations and civil society. The OAS presence included the Secretary General's attendance at the inauguration of the new Supreme Court of Justice, which was a decisive step in Ecuador's process of democratic normalization.

HAITI

Technical assistance for the electoral process

Elizabeth Spehar, General Coordinator of the Program of Electoral Technical Assistance in Haiti

The national elections proceeded normally on February 7, 2006, after a number of postponements and many challenges. The OAS Secretary General witnessed the voting. René Prével was declared the winner as President-elect. The electoral process in Haiti is considered a vital step in the process of democratic stabilization in the wake of the 2004 crisis that led to the ouster of former President Jean Bertrand Aristide, violent confrontations in many places around the country, and the assumption of power by an interim government under Boniface Alexandre as President and Gérard Latortue as Prime Minister.

The OAS has long had an interest in strengthening Haitian democracy. In 1990, the OAS sent observers to the first free elections in the country's history, and since that time it has supported many national initiatives. Through the Special Mission in Haiti,² the OAS undertook activities in the fields of human rights, justice and security. In 2004, a political crisis led to the installation of a transitional government and, one year later, Prime Minister Gérard Latortue asked the Permanent Council to provide support for the Provisional Electoral Council (CEP), the country's highest electoral authority. During 2005, the OAS Special Mission focused its support to the CEP on preparing the elections through a Program of Electoral Technical Assistance, the mandate of which was to organize a mass voter registration campaign and to develop the technological and logistical aspects for producing and distributing identity documents.

The OAS program had to overcome many obstacles in order to achieve its objectives. First, OAS officials had to work in a highly polarized and volatile political setting. On many occasions, the technical aspects were at the mercy of political events, which caused frequent delays. Elizabeth Spehar, the program coordinator, insisted that "there is permanent dialogue between technical and political aspects, and everything we do, no matter how technical it may be, has political overtones." Moreover, the security situation impeded movement around the country. For example, it was only a few weeks before the elections that the heavily populated Cité Soleil was covered. The country's infrastructure shortcomings also obstructed the timely performance of the Mission's duties. Finally, divisions within the weak and still-provisional electoral authority caused substantial delays.

Despite these difficulties, the OAS achieved its mission. To do so, it decentralized the registration process, setting up 165 urban and 235 rural registration sites and deploying 100 mobile units. The results were clear: the Program of Electoral Technical Assistance registered 3.5 million of 4.4 million voters (the equivalent of 80 percent of the voting population), constructed a reliable voters' list, designed the vote tallying system, trained electoral officials in its use and, most importantly, laid the basis for a permanent civil registry and a new system of issuing identification. The challenge now is to support the creation of a permanent electoral authority that will guarantee continuity of this physical and human resources legacy.

2. The Special Mission in Haiti was created by resolution 806 of the Permanent Council in January 2002: CP/RES. 806 (1303/02).

With the implementation of a voter registration program, the OAS broadened its range of technical activities in electoral cooperation. Yet the success of this effort was due not only to the technical capacity of the OAS representatives but also to the more than 15 years of knowledge, experience and commitment in Haiti, good coordination and communication with national and international stakeholders and, above all, the Organization's unshakable belief in the importance of the elections for achieving democratic stability in the country. The work of the OAS in Haiti was carried out in accordance with the existing mandates and in close coordination with the United Nations and other members of the international community.

NICARAGUA

Facilitating political dialogue

Raúl Alconada Sempé, Political Adviser to the Former Special Representative of the SG/OAS for Nicaragua

The OAS supported the efforts of the Government of Nicaragua and various political and social stakeholders in facilitating dialogue between the government and the main political parties, against the backdrop of a political crisis that threatened the country's governance. That crisis erupted through the lack of a normal interrelationship between the branches of state, reflecting divergent interpretations of the scope of constitutional reforms. Adoption of the Framework Law on Stability and Governance of the Country constituted one step towards resolving the political conflict by generating conditions to ensure the stability of the government and the normal unfolding of the electoral process.

The Special Mission was led by the Special Representative of the Secretary General, Dante Caputo, former Foreign Minister of Argentina and now Assistant Secretary for Political Affairs at the OAS. The Mission worked in support of dialogue in Nicaragua from June to October 2005, when the "Framework Law" was adopted.

The crisis was sparked when the partial reform of the Constitution, which had been approved by two legislatures, with votes of deputies from the *Frente Sandinista de Liberación Nacional* (FSLN) and the *Partido Liberal Constitucionalista* (PLC), was rejected by the executive, which decided not to publish the text of the constitutional reform and thereby to prevent it from entering into force. This dispute between the executive branch and the legislature had to be decided by the Supreme Court of Justice. In the context of that power conflict, the Government of Nicaragua, which was also at odds with the Supreme Court, invited the OAS to facilitate dialogue.

The Framework Law that emerged from the negotiations incorporated the agreements reached among the political forces, including suspension of the constitutional reform, and it laid the conditions for the electoral process to proceed normally. More important yet, the Framework Law instituted dialogue by creating a Dialogue Roundtable with the Catholic Church and the OAS as guarantors. This facilitated the legislative task in many important areas. To give continuity to its work, the OAS also deployed a broad-based electoral observation mission to follow the regional elections on the Atlantic Coast on March 5, and the presidential and legislative elections of November 5, 2006.

Raúl Alconada, political adviser to the Special Mission, stressed the need to win the confidence of all those involved. To do so, discretion was essential. During its stay in Nicaragua, the Mission gave no press interviews and made no statements, except of a general nature. At the same time, it was important to create trust among the players themselves. Alconada stressed the importance of keeping open mind, "there are no predetermined schemes of facilitation", he said. Success depends to a large extent on the practical political experience of the facilitators.

In this case, the OAS found itself facing a strategic decision. During its stay in Nicaragua, the Supreme Court of Justice ruled that the constitutional reform should proceed while the Central American Court of Justice held that it should not be applied because it violated the principle of the separation and independence of the branches of state. As the government maintained its

opposition to the constitutional change, the idea of dismissing the ministers, and even impeaching President Bolaños, was debated. Dialogue among the three sides - the government, the *Frente Sandinista* and the Liberals - was at a standstill. In Alconada's words, the OAS "abandoned the three-way path" and "explored an alternative two-pronged approach, without being in a position to decide which would be the two parties at the table." In the end, it was the government and the Sandinistas that reached the first accord. With 47 legislators on board, the Liberals joined them.

The resolution of the crisis ended the deadlock in the legislative branch. On seven successive Wednesdays, the government authorities and party representatives held discussions, with the OAS and the Church as witnesses, on the bills that were pending approval in the Assembly. One meeting even included a representative of the International Monetary Fund, who explained the need for certain rules. When there was no agreement, the matter was put to a vote in the Assembly. Many laws were approved in this way.

This crisis highlights the need to consider carefully the relationship between the executive branch and the Congress in presidential systems. In fact, the two political poles established in 1990, the first centered on Violeta Barrios de Chamorro and the second on Daniel Ortega, were maintained in 1996 with the victory of Arnoldo Alemán and again in 2001 with that of President Bolaños. Shortly after taking office, President Bolaños lost parliamentary support. The ruling party had only nine deputies while the Liberals had 45 and the Sandinistas 38. What can a government do without legislative support? The case of Nicaragua highlights the need for debate on presidential versus parliamentary systems in the Americas. In Alconada's view, the challenge for Latin America is to seek a middle path.

The Mission was carried out in accordance with the provisions of the Inter-American Democratic Charter and the Declaration of Support issued during the thirty-fifth regular session of the OAS General Assembly.

LESSONS LEARNED

The four cases presented here show that the OAS was able to instill confidence among national stakeholders, to facilitate dialogue, and to act as a deterrent factor. As Colin Granderson, Assistant Secretary General of CARICOM, put it, “**the OAS works.**” Moreover, as Peter Hakim of the Inter-American Dialogue said, “**the OAS works in very different contexts.**” For Granderson, these successful experiences enhanced the credibility of the Organization and consequently its capacity to take further action. Nevertheless, as Secretary General Insulza warned, **the OAS cannot take all the credit.** To the extent that it is member states who request the OAS presence, it is the willingness of national institutions that makes success possible.

At a time of growing and ever more diverse demands on the Organization in matters relating to governance, it is essential to learn from the past in order to find creative formulas for dealing with the challenges of the future. On the basis of the four special missions described, the Special Representatives of the Secretary General and the invited speakers examined the lessons to be drawn for improving OAS efforts at crisis prevention, management and resolution.

Different Situations Demand Different Approaches

While in Bolivia and Ecuador the special representatives of the OAS Secretary General maintained close contact with the press, members of the Special Mission in Nicaragua opted to keep the press at arm’s length. Even so, it is important to consider the general parameters that should govern the relationship between the OAS and the media.

Andrés Mompotes, Editor of the Judicial Affairs Section of the newspaper *El Tiempo* of Colombia, recalled that the history of the Americas has made journalists the guardians of democracy. “In our countries, we journalists live with the challenge of guaranteeing that democratic institutions will function properly, of seeing that excesses of power do not affect the lives of the citizens, and of promoting social justice and development,” he said.

He went on to say that “bringing constructive criticism and keeping watch over democratic electoral processes are among the challenges facing the press, and this is only one of those interesting points where the OAS and the media cross paths.” For Mompotes, the OAS-media relationship should be revised so that people will be more attuned to the international organization. On one hand, international officials need to get over their fear of the press, and on the other hand the media should be used to make their mandates known.

Viera-Gallo, for example, suggested that media contacts should be used to educate the public about the inter-American system, and about the Inter-American Democratic Charter in particular. Furthermore, the media could help in making operational a crisis prevention instrument, insisted Mompotes. He recognized that an ill-chosen or misinterpreted word from an OAS representative can spark unanticipated problems. We must also recognize that in some countries journalism can itself be a threat to democracy, such as when journalists take sides in disputes, when there is no diversity among the media, when media ownership is concentrated, or when journalists lack professionalism.

Granderson considered that **the relationship with the press should be dictated by extreme sensitivity to national players and the situation at hand.** “There are times to speak out, and there are times not to”, he said. On the other hand, Dante Caputo, OAS Assistant Secretary for Political Affairs, said he would prefer to “err on the side of silence than to jeopardize a country’s democratic stability.” **“When the Organization makes a pronouncement, it runs an enormous risk that national protagonists will not talk to each other but simply debate what the OAS is saying,”** he

added. In general, the commentators agreed that the OAS Special Representative has a delicate task in weighing the costs versus the benefits of speaking with the press.

Yet Momportes had some questions here: “Was it not the photos of OAS members that helped to provide a deterrent factor, as Horacio Serpa insisted? And who is better placed than the press to address the debate on the limits of cooperation versus intervention?” “Whether or not a society in crisis will understand the role of the OAS has a lot to do with the media,” he concluded. In the end, said Colin Granderson, “the press can make or break a mission.”

When to Take Action: From Early Diagnosis to Effective Response

Much of the discussion focused on the most appropriate moment for the OAS to take action. The Special Representatives unanimously agreed that the time for a special mission or an OAS response to member states is before the crisis breaks out or becomes full-fledged. Therefore we need early-warning instruments, or in the words of Dante Caputo “early diagnosis”, to prevent crises.

According to Mark Schneider, Vice President of the International Crisis Group, there is already recognition of the importance of this tool, and there is a political will to use it in the region. However controversial it may have been, the 2005 Florida Declaration granted the General Secretary powers to create an intervention capacity. In 2005, the UN World Summit asked the Secretary General to develop a mechanism that would take account of information from the entire system. We must also remember, said Schneider, that the new United Nations Peacebuilding Commission³ has a prevention mandate. Schneider recommended that the OAS should draw inspiration from what is being done at the UN, and from the information systems that have been set up in the ministries of Canada, Sweden and the United Kingdom. Albert Ramdin, Assistant Secretary General of the OAS, went further to suggest creating a peace-building commission specific to the inter-American system.

In fact, said Caputo, the Department of Crisis Prevention and Special Missions is in the process of drawing up an instrument that is both qualitative and quantitative. It will use a series of “hard indicators” (including balance of payments problems and an overvalued currency among many others), but it will also leave room for its users’ “political instincts.” In line with Schneider’s recommendations, the Department convened an advisory group with representatives of several disciplines, including economists, to help prepare and implement said instrument. With this project, the OAS entered uncharted territory in the search for innovative mechanisms to offer greater support to member states in their efforts to consolidate democracy.

Besides deciding the time to take action, another important consideration is how long that action will last. After the end of a special mission, the OAS needs to offer continuing support to national institutions. Elizabeth Spehar stressed this point in her presentation on Haiti. Nevertheless, added Granderson, timing is not the only factor, the quality of support is also important.

On the other hand, a special mission is not in a position to address the root causes of the crisis, but it can help a country cope with a difficult situation. In the words of Viera-Gallo, “it helps prevent a political process from sliding into illegitimacy, and it helps give rise to a virtuous process.” But Peter Hakim wondered how we can go beyond the short-term approach. For example, he asked, what should we do to strengthen democracy in the time between elections? Schneider suggested that missions should include in their final reports an analysis of the structural problems that the Organization could address down the road.

3. UN General Assembly resolution 60/180 of December 30, 2005.

Institutional Capacity for Crisis Prevention and Effective Action

Hitherto, said Mark Schneider, crisis responses have depended on leadership from the OAS Secretary General, on his commitment to democratic values and on his willingness to take risks. “We need to institutionalize this ad hoc practice,” he said. Moreover, added Dante Caputo, we need not only an early-warning system but also response capability.

The current structure of the OAS represents significant progress. Colin Granderson recalled that creation of the Department of Crisis Prevention and Special Missions had been recommended as long ago as 1998 in workshops organized by the former Unit for the Promotion of Democracy. Yet, he wondered, where are the institutional resources of the Hemisphere’s most important political organization? Victor Rico, head of the Department of Crisis Prevention and Special Missions, gave assurances that the Organization is moving to strengthen its institutions. The time has come, the panelists agreed, to give the Organization greater autonomy.

According to Peter Hakim, the limitations imposed on the OAS Secretary General reflect the legacy of domination by the United States. During the Cold War, rather than cede further powers to the Organization, many countries tried to limit its field of action. This political analyst suggested that the OAS should move toward a dispute settlement system that could resolve bilateral conflicts such as that between Argentina and Uruguay over the building of paper mills, and the one between Bolivia and Chile over access to the sea.

On the other hand, Peter Hakim insisted on the need to take a harder look at the question of mandates: how they are drafted, how timely they are, what is the role of the Secretary General, and the role of the Permanent Council.

The Special Representatives insisted that not enough time was put into drafting the mandates, as to their timing, their methodology, and the number of players. On many occasions, the mandates are vague and subject to interpretation by the Special Representatives. Viera-Gallo pointed out moreover that “the mission’s mandate must be achievable and it must be time-bound.” He explained that in Ecuador, public opinion believed that the Special Mission would stay in the country to observe the functioning of the Supreme Court Justice. Granderson also noted that national players need to understand the mission’s time limits. “They often count on seeing decisions postponed,” he said.

Mark Schneider proposed that the Organization should be given automatic authority to dispatch electoral observation missions. Currently, the OAS has to wait for a formal invitation from the member states before it can begin making preparations. This means that missions often have to be put together in a rush. The Organization for Security and Cooperation in Europe could serve as a model: its member states gave it automatic authority, but it uses strict rules in deciding which elections should be observed. Automatic authority for monitoring elections would entail the need to establish a standing fund, and it would be up to the Permanent Council to decide whether an electoral observation mission is needed.

Even more important, the Secretariat for Political Affairs was urged to define the profile for the Secretary General’s special envoys or representatives and, on that basis, to compile a roster of candidates. According to Schneider and Granderson, special envoys need to have a capacity for political analysis, a knowledge of a country’s political dynamics, and sensitivity to national idiosyncrasies. As a special requirement, they must be ready to address situations without preconceived ideas. Schneider also suggested having the special representatives report regularly and systematically to the Secretary General.

Coordination and Complementarity with Other International Players

Although coordination is a crucial factor for the success of any mission, the mandates frequently overlook it. Colin Granderson warned that a Special Representative needs to recognize the interests, the agendas and the priorities of international players in the field. In Haiti, for example, the OAS role was complementary to that of the United Nations, which meant that coordination was essential for the good performance of both institutions. In Ecuador, too, coordination with the United Nations and with the Andean Community played an essential and often complementary role.

Given the lack of institutionalized coordination, Mark Schneider offered some thoughts on structural options: why not formalize the relationship with the United Nations in the region? For example, the recently created United Nations Peacebuilding Commission is supposed to coordinate its work with regional players, in particular those with prevention capabilities. At a minimum, a communications network should be established at the national level between the United Nations and the OAS. In this way, the two organizations can take decisions on the basis of the same information. As to the early-warning system, the UN and the OAS could adopt a common framework for conflict analysis. This does not mean that they would arrive at the same conclusions, but at least they would be asking the same questions.

Furthermore, while the OAS is far from having a peacekeeping capacity, it cannot close its eyes to the fact that all the peacekeeping troops in Haiti are Latin American. “Why not consider a coordination agreement with the UN in the peacekeeping field?” asked Mark Schneider.

Peter Hakim noted that neighboring countries constitute a resource that can be called on at times of crisis. Little attention was paid to them in developing the special missions described in this forum, or in the analysis during the workshop. For example, the Central American presidents supported President Bolaños of Nicaragua. What impact did that support have? Also, Caribbean countries decided to isolate Haiti’s interim government. Finally, Hakim asked whether Brazil could have played a more substantial role in Bolivia. Secretary General Insulza used this occasion to thank the Dominican Republic for its cooperation when American Airlines cut off flights to Haiti during crucial moments of the crisis.

CONCLUSIONS

An OAS for new times

Secretary General Insulza noted that 2005 was a good year politically for the Americas because, with OAS help, political crises were overcome. In Mark Schneider's view, the OAS was seen as acting in the name of and for the sake of the region. This year was one in which the Organization has been very active, and it showed that member states are putting forward more frequent and more varied demands. Consequently, the OAS is responding to the times. Albert Ramdin, OAS Assistant Secretary General, noted that thinking about the future of the Organization must be guided by realism. "The organization has 34 states with diverse interests," he noted.

As Ramdin said, in its development of the Inter-American Democratic Charter the OAS is adding new dimensions to the concept of democracy. Ramdin and Caputo agreed on the need to place greater emphasis on social and economic development in Latin American and Caribbean states. Despite the reforms, inequality persists and the region is still losing ground in the global marketplace.

The challenge facing the OAS, then, is to give states the tools they need to maintain viable democracies, bearing in mind that democratic governance is a means for achieving economic and social development. **"The time has come to broaden the scope of action of the OAS and to think creatively,"** said Ramdin. Dante Caputo remarked that **"a more autonomous OAS can do better in sustaining democracy."** **"We must be open to all debates,"** he added. **"The stronger the OAS, the stronger democracy will be."**

According to Dante Caputo, "we live in a continent that has formed a unique triangle, with democracy, poverty and inequality at its vertices." Conventional wisdom tells us that wealth will come with democracy. Poverty in democracy is a new problem, and the combination of demands and freedoms creates an unprecedented crisis situation. "This situation is the mother of all the crises in the region," he asserted.

To address that situation, the state must be restored, but not the interventionist state of some decades ago. "In Latin America and the Caribbean, republics are still a work in progress," he suggested. We need republican stability. "The republic organizes the state and the nation so that democracy can flourish." The republic guarantees the separation of powers, control by society over those powers, and checks and balances among themselves. In brief, **"we need a new state for a new democracy." In order to support that new state, we need a new OAS.**

PROGRAM

- 13:30-13:50 **Registration and Opening Ceremony**
- José Miguel Insulza, OAS Secretary General
 - Alejandra Liriano, Undersecretary for External Relations, Dominican Republic, and Director of the GFDD Center for International Studies
- 13:50-14:00 **Introduction**
- Víctor Rico, Director, Department of Crisis Prevention and Special Missions, Secretariat for Political Affairs, OAS
- 14:00-15:30 **First Session: “Democratic Stability In The Americas: The Institutional Role of the OAS– Specific Cases”**
- “The Electoral Process in Bolivia”*
- Horacio Serpa, Special Representative of the OAS Secretary General for Bolivia
 - *“The Re-establishment of the Supreme Court of Justice in Ecuador”*
 - José Antonio Viera-Gallo, Special Representative of the SG/OAS for Ecuador
- “The Electoral Process in Haiti”*
- Elizabeth Spehar, General Coordinator of the Technical Assistance Program in Haiti
- “Facilitating Political Dialogue in Nicaragua”*
- Raúl Alconada, Political Advisor of the former Special Representative of the OAS Secretary General for Nicaragua
- Questions and Answers
- Moderator:
Victor Rico, Director, Department of Crisis Prevention and Special Missions,
Secretariat for Political Affairs, OAS
- 15:30-15:45 Coffee Break
- 15:45-17:15 **Second Session: “Democratic Stability in The Americas: The Institutional Role of the OAS” – Commentary on the experiences, lessons learned and perspectives based on the cases presented”**
- Commentators*
- Colin Granderson, Assistant Secretary General, CARICOM
 - Andres Momportes, Editor, *El Tiempo*, Colombia
 - Mark Schneider, Vice President, International Crisis Group
 - Peter Hakim, President, Inter-American Dialogue
- Conclusions: Mr. Dante Caputo, Assistant Secretary for Political Affairs, OAS
- Questions and Answers
- Moderator: Ambassador Roberto Alvarez, Permanent Representative of the Dominican Republic to the OAS
- 17:15-17:45 Closing Remarks
- Ambassador Albert Ramdin, Assistant Secretary General, OAS

SPEAKERS

Raúl Alconada Sempé, Argentina, OAS Political Coordinator for the International Observation Mission for Nicaragua. Served as Deputy Minister of External Relations and Vice Minister of Defense of Argentina.

He is an active member of the *Unión Cívica Radical* of Argentina, where he has served as chair of the Committee on External Relations, Secretary General, Member of the Executive Board of the Institute for International Relations of the National Committee, among others.

A well-known political adviser to the authorities of his government, he was also Argentina's representative in international negotiations at the OAS and the United Nations.

Roberto Álvarez, Permanent Representative of the Dominican Republic to the OAS, holds a Doctorate in Law from the Universidad Autónoma de Santo Domingo. He pursued graduate studies in international relations and comparative legislation at Johns Hopkins University in the United States.

He is also a researcher and author of numerous publications on human rights and international relations. He has been a lecturer, a consultant to various international organizations, and an OAS official.

Dante Caputo, Argentina, OAS Assistant Secretary for Political Affairs. Served as Minister of External Relations for Argentina, Secretary of State for Technology, Science and Innovation, President of the United Nations General Assembly, and National Deputy.

Among his achievements were the signature of the Treaty of Peace and Friendship between Argentina and Chile, the launching of the Contadora Group, the founding of the Rio Group, signature of the agreements between Argentina, Brazil and Uruguay creating MERCOSUR, and the Governors Island Agreement on the democratic transition in Haiti.

Colin Granderson, Trinidad and Tobago, Assistant Secretary General for Foreign and Community Relations, Caribbean Community (CARICOM). Expert in human rights. Served as Executive Director of the International Civilian Mission of the UN and OAS in Haiti. Head of the OAS Electoral Observation Missions in Guyana, Suriname and Haiti, Director of the International Commission to Investigate Human Rights Violations in Côte d'Ivoire. Director of Political Affairs in the Ministry of Foreign Affairs of his country.

He has also held diplomatic posts in London, Geneva, and at the UN/New York, as a representative of Trinidad and Tobago to the Security Council.

Peter Hakim, USA, President of Inter-American Dialogue. A well-known political analyst, he writes and speaks widely on hemispheric issues. His articles have appeared in *Foreign Affairs*, *Foreign Policy*, *the New York Times*, *the Washington Post*, *the Financial Times*, and the *Christian Science Monitor*, among others.

He was Vice President of the Inter-American Foundation and worked for the Ford Foundation both in New York and in Latin America. He has taught at the Massachusetts Institute of Technology and at Columbia University. He currently serves on boards and advisory committees for the Council on Foreign Relations, the Foundation for the Americas, the World Bank, the Inter-American Development Bank, the Intellibridge Corporation, and Human Rights Watch.

José Miguel Insulza, Chile, Secretary General of the OAS. He has had a distinguished career in the Chilean public service, where he held the most senior positions in the public administration.

For more than a decade, as the longest continually-serving minister in Chilean history, he held the posts of Undersecretary and then Minister of Foreign Relations, Minister and Secretary General of the Cabinet of the President, Minister of the Interior, and Vice President of the Republic of Chile.

Alejandra Liriano, Dominican Republic, Undersecretary of State for Foreign Policy, Ministry of Foreign Relations.

She was Ambassador responsible for the UN, OAS, International Organizations and Conferences Division, Ambassador responsible for the Division of African Affairs, representative of the Dominican Republic at various international meetings, including the United Nations General Assembly and the OAS General Assembly, as well as ministerial meetings of the Non-Aligned Movement, the Caribbean Community (CARICOM) and the European Union. She has many publications to her credit.

Andrés Mompotes, Colombia, distinguished journalist specializing in international politics, disarmament and justice. Editor of the Judicial Affairs Section of the newspaper *El Tiempo* of Colombia, winner of the Simón Bolívar National Prize for Journalism (1998).

He served as special envoy for events such as the Constituent Assembly in Venezuela (1999), the military coup against President Jamil Mahuad in Ecuador (2000), the national strike against Hugo Chávez in Venezuela (2002) and the Rio Group Summit in Cuzco, Peru (2003), among others.

Professor in the Faculty of Social Communication of the Universidad Externado de Colombia in Political Journalism and the Coverage of Armed Conflicts.

Albert R. Ramdin, Suriname, Assistant Secretary General of the OAS, diplomat of the Government of Suriname, with a distinguished public service career as adviser in the Ministries of Foreign Relations, Trade and Industry, and Finance of his country.

He has had a distinguished career in the OAS as representative of his country and as Adviser to the Secretary General, Chair of the Permanent Council, Chair of the Inter-American Council for Integral Development, and Chair of the CARICOM Ambassadors Caucus.

Victor Rico, Bolivia, Director of the Department of Crisis Prevention and Special Missions, OAS Secretariat for Political Affairs, in charge of the Mission to Support the Peace Process in Colombia, the Peace Fund and others.

He was Vice Minister of International Economic Relations, Vice Chancellor of Bolivia, General Director of the Andean Community and both Consul General and Ambassador to Chile. Negotiator of the Free Trade Agreements between Bolivia and MERCOSUR and Mexico.

Mark Schneider, USA, Vice President and Special Adviser for Latin America of the International Crisis Group. He directs the Washington advocacy office, conveying Crisis Group analyses and recommendations to the White House, the State Department, the Department of Defense, Congress, and international agencies. He is also a special adviser on security matters and on HIV/AIDS.

He served as Director of the Peace Corps; Assistant Administrator for Latin America and the Caribbean, U.S. Agency for International Development; Chief, Office of Analysis and Strategic Planning, Pan American Health Organization (PAHO); and Deputy Assistant Secretary of State for Human Rights. He has testified several times before Congress. His articles and interviews on Afghanistan, Colombia, Haiti and the Middle East have been carried or published on *BBC World*, *CNN*, *PBS*, *NPR*, *the New York Times*, *the Washington Post*, *the Guardian*, *the Los Angeles Times*, and other newspapers.

Horacio Serpa, Colombia, presidential candidate for the Liberal Party of Colombia. He was a jurist, Attorney General, Councilman, Mayor, Minister Delegate for presidential functions, Minister of the Interior, Presidential Adviser on the Peace, High Commissioner for Peace, Deputy, Senator and Co-Chair of the Constituent Assembly. He was Permanent Representative of Colombia to the OAS, Personal Representative of the OAS Secretary General for Bolivia and head of the Organization's observer mission.

He is currently Vice President of the Socialist International and a columnist for various publications.

Elizabeth Spehar, Canada, Director of the Department for the Promotion of Democracy (DPD) of the OAS Secretariat for Political Affairs. As a specialist in democratic development, she has worked for the International Development Research Centre (IDRC), the Canadian International Development Agency (CIDA), the UNDP, and Match International.

She is a member of the governing board of the Friends of the Inter-American Democratic Charter of the Carter Center and the Canadian Foundation for the Americas. She heads initiatives to promote and implement the Inter-American Democratic Charter.

José Antonio Viera-Gallo, Chile. He served as Senator and as President of the Chamber of Deputies of his country, as personal representative of the OAS Secretary General for the Special Mission to Support Reestablishment of the Judiciary in Ecuador, Assistant Secretary of Justice in the Government of Salvador Allende, and Director of Studies for the Universidad Católica de Chile.

Organizer of the Center for Social Studies (CESOC) and consultant to UNESCO, FAO, and the World Council of Churches. Teacher in Chile and other countries, and author of various publications.

Department of Crisis Prevention and Special Missions

The Department of Crisis Prevention and Special Missions, within the Secretariat for Political Affairs (SPA), headed by Victor Rico Frontaura, is strengthening the Organization's capacity to identify and analyze potential threats to democracy, governance, and peace in countries of the Hemisphere, through political analysis, use of a multiple-scenario analysis methodology, and strengthening of rapid-response capability.

The Department is developing a methodology for analyzing multiple scenarios, consisting of political, economic and social indicators to provide practical information that will be supplemented by political analyses in order to recommend possible courses of action for the OAS. The Department has the following principal functions:⁴

- Coordinates activities relating to territorial disputes and political crises in the member states; manages funds and programs whose aim is the peaceful resolution of territorial disputes in the member states.
- Provides advice, information, and technical support to the General Secretariat on crisis prevention and resolution.
- Advises and makes recommendations, through the SPA, to the Secretary General for the continuous updating of policy within the General Secretariat in the areas of crisis prevention and special missions.
- Coordinates with the Department for the Promotion of Democracy, the Coordinating Office for the Offices and Units of the General Secretariat in the Member States, and the Secretariat for Multidimensional Security on the development of programs for preventing and resolving crises in the Hemisphere.
- Coordinates practical means of mainstreaming crisis prevention and resolution into the programs of the General Secretariat.
- Coordinates, with other multilateral organizations, program initiatives in the field of crisis prevention, early warning, and peace-building.

4. Executive Order No. 05-13 Rev. 2.



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