



**CÉSAR GAVIRIA TRUJILLO, SECRETARY GENERAL OF THE ORGANIZATION OF AMERICAN STATES  
AT THE TWENTY-EIGHTH SPECIAL SESSION OF THE OAS GENERAL ASSEMBLY**

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The foreign ministers of the Americas acted wisely when they chose Lima as the venue for this special session of the General Assembly to promulgate the Inter-American Democratic Charter mandated by the Third Summit of the Americas in Quebec City. This decision notifies all those seeking to interrupt the constitutional order that they will encounter a community of American nations united in collective action to ensure that democratic institutions are upheld. That is our principal responsibility in the OAS and our *raison d'être*. We thank the people of Peru, President Toledo, and Foreign Minister García Sayán for their always generous hospitality.

All of us gathered here know that in this nation democratic principles and institutions endured their direst test when, starting with the self-coup of 1992, using as an excuse the struggle against subversion, the government decided to dissolve Congress and meddle with the judiciary, the Office of the Attorney General, the National Council of Judges, and the Constitutional Court. The collective response of the Hemisphere, within the framework of resolution 1080, made it possible to remedy these grave disorders by the convocation of elections for a Constituent Assembly, but the OAS refrained from following up appropriately until democratic principles were fully restored in practice. The authoritarian conduct of a democratically elected president was the first example of a new kind of threat to democracy.

Soon it became apparent how the Constitution adopted in the new political setting allowed the Executive to act in ways that annulled the independence and autonomy of the other branches of government, and how authoritarian practices began to shape a large number of political decisions. The government used mechanisms that enabled it to subordinate the actions of the armed forces to illegal and party-political ends, to silence the media, and to employ intelligence services for purposes totally alien to the interests of the State. Substantial amounts of public funds were improperly deployed and, finally, there was a deliberate attempt to undermine civil liberties and equity with a decision to go ahead with an election designed to facilitate a second presidential re-election contrary to the provisions of the recently promulgated 1992 Constitution. Our electoral observation mission witnessed the unfair competition to which opponents of the government were subjected and above all the courageous, bold, and dogged struggle of then candidate Alejandro Toledo, who lacked even minimum guarantees for participation in the second round, given that it was not even possible to ensure that the OAS could monitor the process.

While it is therefore true that the OAS went only part of the course in 1992, the General Assembly in Windsor demonstrated our resolve to ensure that Peru returned to the democratic fold as well as the usefulness of collective action in support of democracy. Joined by you, President Toledo, and you, Foreign Minister Diego García Sayan, and by the political and social forces at work in Peru, we strove to fulfill that mandate. Thanks to your courage, coordination, and determination, it was possible to build an alternative mechanism capable of running the country, when the previous regime collapsed once the public became aware of its



illegal and anti-democratic acts.

However, the importance of the Democratic Charter we are about to adopt is not circumscribed to its relevance to what Peru went through. On the one hand, we are facing serious threats to the continuation of the democratic system in several countries and, on the other, we have witnessed still fledgling institutions, highly moot policies, scant resources, and a state that is regressing, ideologically undermined by the debt crisis and grave fiscal problems. We could conclude that democracy has not yet been established once and for all in the Americas and we still face enormous challenges in a series of countries.

Citizens perceive shortcomings in the government institutions performing supervisory, regulatory, or oversight functions or in those providing basic utilities as flaws of the democratic system. Nor should we underestimate the fact that political globalization has generated worldwide awareness of the need for social justice and in defense of democracy and the rights of all citizens. Until recently, our countries were able to opt for an ill-functioning political system, but, with the advent of political globalization, that is no longer possible.

As we pointed out in San José, while a broad vision of what constitutes democracy widens the scope of our activities it also creates a complex setting in which democracy ends up being responsible for anything a State, government, or any executive body does or did not do, fails or failed to do. In Latin America, only a strong, effective, and respected State can safeguard our democracy. That is true, too, of some Caribbean states. We need a democratic state, one that respects and guarantees the rights of all, and protects the most vulnerable.

And, as if such demands were not enough, throughout the past decade the essential ingredients of a democratic political system have expanded. The draft Charter provides a perceptive, but not exhaustive, list of the ways in which the concept of democracy has been broadened to include not only the holding of free, fair, and transparent elections but elections that are based on universal suffrage and secret ballots. Democracy also comprises the observance of human rights and respect for fundamental public liberties; the separation and independence of the branches of government; transparency in governmental actions, together with probity and responsibility in government administration; participation by citizens in the decisions that affect their lives; a pluralist political party system; access to information, freedom of the press, and freedom of expression; the strengthening of the inter-American system of human rights; the elimination of all forms of discrimination; constitutional subordination of all state institutions to the legally constituted civilian authority; and respect for the rule of law by all institutions and segments of society.

We should add that, thanks to resolution 1080, the old coup-mongering recipes fell into disuse. However, we now need a new manual that goes beyond sanctions and promotional norms and constitutes a model of democratic behavior. Resolution 1080 was applied in Haiti in 1991, in Peru in 1992, and in Guatemala in 1993, while, on a fourth occasion in Paraguay the mere allusion to its possible application sufficed to dissuade one sector of that country's army from staging a coup. Other occasions revealed the limitations of the provisions of resolution 1080. They failed to provide sufficient guidelines for handling the latest institutional crisis in Paraguay, for example, or the attempt to subvert the constitutional order in Ecuador. On those occasions, our actions were directed more to supporting the constitutional order than punishing those who flaunted it.



These notions are what lend weight to the draft Charter submitted for consideration by the ministers of foreign affairs and to which our Permanent Council has devoted so much time and attention since Quebec. The draft includes many of the new ingredients and principles as essential components of democracy. It makes judicious and exhaustive use of the valuable proposals put forward by the Inter-American Juridical Committee, which I should like to thank on behalf of all our Organization. It classifies, systematizes, and harmonizes numerous elements contained in our Charter or in the protocols amending it, and in resolutions and declarations adopted at our assemblies.

As the Juridical Committee pointed out, in some cases it is a question of interpreting conventional provisions, in others it is a question of incorporating longstanding norms or standards we have applied on several occasions, or else it is mainly a matter of echoing general legal principles or proclaiming common aspirations that may contribute to the progressive development of inter-American and international law. As the Inter-American Juridical Committee also expressly stated, “the [general] provisions of some resolutions of an organ of an international organization may have an obligatory effect within the Organization when the charter of that organization provides for such”.

I would like at this point to underscore the initiatives undertaken by then Foreign Minister Javier Pérez de Cuellar in Quebec City, and that of Ambassador Manuel Rodríguez Cuadros, throughout this process. I would also like to mention the extraordinary efforts of all the missions to the OAS, and those of the regional groups working on the text of the Charter since the Third Summit of the Americas. I should like to thank Ambassador Humberto de la Calle Lombana of Colombia for the discipline, dedication, and professionalism with which he directed the Working Group. Our thanks go also to Ambassador Hurst of Antigua and Barbuda and Ambassador Castulovich of Panama, who acted as vice chairs on behalf of Central America and the Caribbean. We should also like to pay tribute to Ambassador Castro of Costa Rica, in his capacity as Chair of the Permanent Council, for his steadfast support of these efforts.

Since our General Assembly in Costa Rica, which was a milestone in terms of the renewal of our governments’ political resolve and of the foundations for the Charter’s contents, the Democratic Charter has been enriched in multiple ways, incorporating new areas, and substantial contributions from civil society. Through the Internet it reached 8,000 NGOs, academic institutions, think tanks, and other public and private institutions. Dozens of general or new proposals were received from all the regions and countries regarding the inter-American system, mechanisms for the defense of democracy, and electoral observation missions. We have acquired valuable experience with these consultations on juridical and political topics and on the opportunities for establishing links between documents and archives, not only with the OAS but also among the different segments of civil society. I should like to stress that a great many topics brought up by civil society have been incorporated in the Democratic Charter.

The Draft submitted for your consideration today marks a significant advance on resolution 1080 in respect of the increased number of situations that may constitute a grave alteration of the constitutional order capable of impairing a state’s democratic order and in respect of the wider range of mechanisms or actions at the disposal of the political organs, the Permanent Council, the assemblies, and the General Secretariat to uphold democracy unwaveringly. It is worth pointing out that, as the Inter-American committee pointed out, no provision in the



Charter may be construed as limiting the powers granted to the organs of the system in the OAS Charter.

The countries may call upon the OAS for support whenever their democratic institutional political process or their legitimate exercise of power is jeopardized. To that end, the Charter establishes diplomatic initiatives and good offices to assist a government in problems, provided it requests such assistance. It also grants a highly necessary graduality in the process that not only allows us to respond to a grave alteration, but also to take decisions designed to preserve and strengthen democratic institutions. It also stipulates that the Organization must maintain diplomatic initiatives to restore democracy in the member state concerned. This by no means prevents the Charter from unequivocally declaring that if a special session of the General Assembly ascertains that the democratic order has been unconstitutionally interrupted in a member state and diplomatic initiatives have proved fruitless, in accordance with the OAS Charter said member state shall be suspended with the affirmative vote of two-thirds of the member states.

It is easy to grasp, in the context we have described, the relevance of many of the norms that the representatives of the governments have included in the draft Charter. The document reflects an important debate and reveals how democracy is strengthened and deepened by ethical and responsible citizen participation. That participation in decisions relating to their own development is a right and a responsibility, and the draft Charter before you for consideration anticipates the obligation to defend and promote that right. Thus, the introduction of the democracy clause within the OAS and at the Summits should be understood not only in terms of the sanctions that would apply, but also in terms of the commitment to dissuade and prevent. The draft incorporates many new human rights—emanating from the judgments of the Inter-American Court of Human Rights, and from the decisions of the Inter-American Commission on Human Rights—and that the states have introduced into regional legislation. These rights include the rights of indigenous peoples and respect for the ethnic, cultural, and religious diversity of the Americas, the rights of children, the rights of women, and the rights of workers enshrined in the conventions of the International Labour Organization, and respect for migrants and their families.

The document builds and improves on the principles governing the making of a democracy. It attributes special importance to the need to make education accessible to all citizens, and shows that the full exercise of rights becomes impossible where the problem of illiteracy exists. The draft refers to the economic, social and cultural rights of the Protocol of San Salvador as factors in building a democracy. The Charter draws on certain aspects of the Protocol of Managua, such as the fight against poverty and the need for solidarity among states as they seek to consolidate sustainable development. The articles of that Protocol underscore the close link between democracy and economic development as well as the need to create gainful employment.

The Charter also embodies the notion that electoral observation missions are a valuable tool used by the countries to ensure free, fair, and transparent elections. The text before you for consideration provides an impressive regulatory framework, and within this framework, we wish to make specific mention of the minimum conditions that must exist to enable the OAS to lend assistance.



This is why if anyone questions this all-encompassing approach that includes so many facets of democracy, he or she should reflect on the enormous demands that the citizens of the Americas place on this system of government. This is the daunting challenge that our leaders must face each day. It is a responsibility that all of you and your governments bear, but it is one that is ill-matched by the precarious means placed at their disposal. And it is there that our collective action must be brought to bear to assist our governments in their efforts, without endangering the values enshrined in our Charter.

Ministers of Foreign Affairs:

By adopting this Democratic Charter, you are putting on notice all of an authoritarian bent that there will be no tolerance towards those who would overthrow governments, seek to subvert the constitutional order, or undermine political control. We are thereby making a major step forward in defending the right of our peoples to seek their own destiny through democratic means, and to respond with common purpose, clarity, and resolve in a timely, organized fashion. But the Charter represents a very initial stage in the huge responsibility before our governments in facing the enormous challenges that accompany globalization, the ups and downs of the world economy, the volatility of capital, and recurring crises. We live at a time when political factors weigh increasingly on economic growth, and without growth and prosperity, democracies are incapable of providing the welfare that the citizens of the Americas yearn for. The democratic system of government must translate into better political, economic, and social institutions, in an improved government service; in increased international cooperation to combat threats to democratic systems; and in a visible improvement in the quality of life of all peoples. It is our duty to see that that this happens and that is why we are here in Lima today.