

The Strengths and Weaknesses of the Inter American Democratic Charter

Michael I. King
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The Inter American Democratic Charter represents a firmer commitment by the member states of the Organisation of American States to promote and protect democracy in the Western Hemisphere while adhering to the spirit of the Charter of the Organisation, which was signed at Bogota in 1948.

As an instrument fashioned to dissuade undemocratic forces from assuming office and from governing in an autocratic manner, the IADC has established a new system within the OAS that has forced the member states to analyse how they should deliver democracy and how the citizens of the Hemisphere should expect to be governed.

The short period between the Third Summit of the Americas in Quebec City in April 2001 and the 31st General Assembly of the OAS in San José, Costa Rica in June 2001 always represented a major challenge for the OAS Permanent Council to carry out the mandate from the Heads of State and Government of the Hemisphere to create a Democratic Charter that would promote and protect democracy.

Although noble in their intent, the method of informal consultation by the Permanent Representatives of the OAS could have been better structured and more welcoming to the inclusion of other critical elements that would have enhanced the IADC from the beginning. In this regard, my participation in this event, through the kind invitation of His Excellency Mr. Alfredo Moreno Charme, affords me the opportunity to share my views in what I consider to be the strengths and weaknesses of the Charter.

STRENGTHS OF THE IADC

There is no doubt that the IADC has strengthened the hand of the OAS in addressing the challenges to democracy faced by the governments and people of the Hemisphere.

Almost overnight the Secretary General of the OAS assumed the role of what I describe as the “Caretaker of Democracy and Democratic Governance in the Americas.” The OAS therefore was now seen as an organisation that is relevant to the growing political and social mandates that have been handed down from a dual authority via the emerging Summit process and the traditional Ministerial instrument of the General Assembly.

Anyone who was close to the negotiations would argue that the IADC was a most welcomed instrument to the Inter American System since it required the political directorate to embrace a more integrated approach in defining democracy as a benefit to a more informed population.

The existing OAS Charter was easy to use as a base document since the main chapters were supported in the past by the member states, if only by paying lip service to key provisions. The IADC therefore emphasises the Hemisphere’s commitment to

democracy under the OAS structure and even attempts to make more comprehensive the existing instruments that serve to protect and promote democracy by placing them all in one solid document. It also illustrates the desire of the member states to seek to maintain societies that are based on freedom, justice and cooperation.

It is my view that the IADC has attempted to demonstrate to the citizens of the Hemisphere that they have the right to make elected government officials commit themselves to governing the state in a responsible manner. Through effective public education programmes the OAS Secretariat has been able to empower more citizens of the Hemisphere to question the unorthodox methods and attempts used by some to assume political leadership.

The media practitioners, academics, social commentators and civil society organizations have been more open in vociferously discouraging the disruption of the democratic order.

The tradition of intervention by the military in Latin America and in some Caribbean States has not been the norm in the English speaking CARICOM members of the OAS. The high expectations for democratically elected governments to respect democracy, human rights, good governance, the rule of law, social and economic rights were often taken for granted in the CARICOM region. It was therefore important for that group of small states to recognise that any concentrated effort to promote democracy in the OAS would have to be strongly supported. For it was through the efforts of political

leaders committed to democracy and the respect for human rights that the newer member states of the OAS were able to proceed to independence since 1962 without bloodshed.

There were occasions during the 1970's and early 1980's that some of those states were often heard as the lonely voices in the wilderness when they took principled positions on the serious violation of human rights among several OAS member states that were governed by authoritarian regimes. I can say today that such lonely voices were heard loud and clear by many persons here with us today who were exiled from their own countries for committing the "sin" of opposing those whose concept of democracy was to violate the human rights of others.

Today, it is with a feeling of satisfaction that the membership of the OAS is composed of governments that were all elected through elections that were classified as free and fair.

WEAKNESSES OF THE IADC

However, let me turn my attention to what I consider to be the weaknesses of the IADC.

The focus of the IADC over the past nine years was too rigidly structured to the issue of elections and electoral reform. It was often seen as a punitive instrument, though

that was never the intention. It was also too limited in its focus on the social and economic challenges of the citizens of the Hemisphere. Indeed, I have always questioned the new thinking that the OAS should be seen merely as a political organisation. Yet the myriad mandates, which have emanated from the Summits of the Americas, coupled with the perennial ones from the General Assembly, suggest that the social element of democracy must be seen as a *sine qua non* in the governance of our states.

The lost opportunity to develop a parallel social charter within the OAS, in my opinion, has weakened the hand of the Secretary General in implementing the numerous mandates, which have been heaped upon him with high expectations of delivery but with limited financial and human resources at his disposal.

In reflection, the events which took place in the USA on the morning of September 11, 2001, the day on which the IADC was adopted in Lima, could be considered to have been an unexpected distraction from implementing the key provisions of the Charter. However, I hold the view that the fight against terrorism also highlighted the need for all governments to ensure that the basic freedoms of their citizens were not to be eroded in the process of tracking down terrorists and bringing them to justice.

The Charter, which was adopted, could have benefited from a process similar to that used by the European Union in drafting its Charter of Fundamental Rights which involved all EU institutions, national Parliaments and a wide cross section of civil society. Another instrument, which could have been used in the drafting process, was the

CARICOM Charter on Civil Society. As stated earlier, time was not on the side of the Permanent Council in delivering a Charter.

There is no doubt that a strong Development Agenda in the OAS linked to a vibrant Social Charter, could enhance democracy in the Hemisphere. The right of our citizens to education, health, housing, food and decent work are still the priorities of every government. An instrument that promotes democracy requires key elements of support to ensure its effective implementation and delivery of the dividends of democracy.

The OAS, as the purveyor of democracy, must have such an instrument at its disposal that not only articulates the cause, but delivers the benefits. Given the serious problems faced by the International Financial Institutions in providing adequate grant financing to the member states of the OAS, a weak instrument that cannot enhance the effective delivery of benefits in the social and economic area will continue to represent a major challenge to the Organisation.

The IADC, once reopened for review, must create an opportunity for transparent public sector/ private sector partnerships in the democratic governance of the state. It is hoped that the increasingly annoying practice of the excessive financing of political campaigns will be curtailed. For such practices represent a severe threat to democracy in some countries and can lead to the compromising of the delivery of benefits for our citizens.

The IADC must therefore play a more defined role in assisting the governments in addressing the multidimensional threats to the security of the Hemisphere. I recall the frightening results of a poll conducted by UNDP in 2008 in which more than 60 percent of those citizens polled in Latin America indicated that they prefer to be governed by authoritarian regimes.

Unless the OAS is given the tools to deliver on democracy in all of its manifestations, the challenge will remain insurmountable. The IADC (and indeed the Social Charter) will require more support to allow the SG and his staff to distill the lessons learned and to encourage an elevated status for the democracy agenda that goes beyond the regular holding of elections. It must not be relegated to the realm of ideology, either of the left or of the right and must be enhanced through cooperation and collaboration among all sectors.

This event will hopefully contribute to the exercise of renewing and reviewing the IADC. Let it not remain a static instrument that gathers dust in our archives. Let us commit ourselves to enhancing the IADC in view of current political, social and economic realities in our Hemisphere.