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Civil Society and the Promotion and Protection of Democracy in the Americas

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EXECUTIVE SUMMARY

This paper looks at the potential role for civil society participation in the promotion and protection of democracy in the Americas, focusing specifically on Inter-American institutions such as the Organization of American States (OAS).

The author argues that while the existing democracy promotion mechanisms at the OAS are imperfect, civil society organizations (CSOs) must use their independence and flexibility and continue to develop the capacity to contribute to the prevention of, or recovery from, democratic ruptures.

The author outlines existing and potential channels through which civil society organizations can work independently and with the OAS in the future to identify democratic crises in order to produce timely and effective responses.

The paper concludes with some suggested guidelines for overcoming existing barriers CSOs currently face in democracy promotion and protection, drawing on the experiences of the Andean Democratic Network as an example.

RESUMÉ

Ce document examine le rôle que pourrait jouer la société civile dans la promotion et la protection de la démocratie dans les Amériques, et se penche plus précisément sur les institutions interaméricaines comme l'Organisation des États américains (OÉA).

L'auteur est d'avis que devant les mécanismes de promotion de la démocratie imparfaits dont dispose l'OÉA, les organismes de la société civile doivent miser sur leur indépendance et leur flexibilité et ainsi cultiver leur capacité à collaborer à la prévention et au redressement des ruptures démocratiques.

L'auteur décrit également les structures existantes et potentielles par lesquelles les organisations de la société civile (OSC) peuvent passer pour collaborer avec l'OÉA en vue de circonscrire les crises démocratiques et effectuer des réponses rapides et efficaces.

Le document conclut en proposant des lignes directrices pour surmonter les obstacles auxquels les OSC sont actuellement confrontés en matière de promotion et de protection de la démocratie, et s'inspire de l'expérience du Réseau démocratique andin.

RESUMEN

El presente trabajo aborda el papel potencial que podrían desempeñar las organizaciones de la sociedad civil en la promoción y protección de la democracia en las Américas, especialmente en el marco de instituciones interamericanas como la Organización de Estados Americanos (OEA).

El autor plantea que a pesar de que los mecanismos de promoción de la democracia de la OEA no son perfectos, las organizaciones de la sociedad civil (OSC) deben emplear su independencia y flexibilidad para continuar desarrollando sus capacidades para realizar aportes a la prevención o recuperación ante rupturas democráticas.

Asimismo, el autor señala los canales existentes y potenciales a través de los cuales las OSC podrían trabajar con la OEA para identificar posibles crisis democráticas con el objetivo de diseñar respuestas oportunas y efectivas.

Como conclusión, el documento ofrece sugerencias sobre como vencer algunas de las dificultades que las OSC enfrentan en la promoción y protección de la democracia, tomando como ejemplo las experiencias obtenidas por la Red Democrática Andina.

Introduction

If we are to explain or to reflect upon civil society participation in collectively defending and protecting democracy in the Americas, we must first take a brief look at the definition of international law and the power relationships that it involves.

Unlike state law, contemporary international law, as defined by Pastor Riduejo (2003), is an “especially difficult [discipline] characterized by institutional deficiencies that cause regulatory uncertainty and relativism, serious inadequacies in the prevention and sanctioning of violations, and a widespread—though not absolute—politicization of the resolution of controversies, when it does not completely preclude resolution.” Hence, it is an unfinished and insufficient law, one that often depends on the power relationships that exist among its adherents.

This characterization of international law and its regulations, institutions and subjects is likely even more applicable to the Inter-American system. While progress has been made in creating principles and regulations, and in redefining its areas of action, it must be noted that the Organization of American States (OAS) still grapples with the contradictions between what it is and what it *should* be.

Thus in evaluating civil society's potential, we must not lose sight of the fact that many of the flaws, obstacles, or limitations that exist are a result of the aforementioned characteristics of international law, the main tenets of which sovereign states follow. However, sovereignty, and the power it confers upon states by international law, appears to be diminishing due to the tension between this sovereignty and emerging principles such as the protection of human rights and the collective defence of democracy.

The Inter-American System and Mechanisms for the Collective Defence of Democracy

In the last decades Latin America has experienced the “third wave” of democratization. After enduring lengthy dictatorships such as those led by Anastasio Somoza in Nicaragua and the Duvalier dynasty in Haiti, the American states have developed democratic political regimes and institutions.

Inter-American international law was actively involved in this democratizing process, and has also progressively evolved to respond to the needs of emerging democratic regimes. This evolution happened in tandem with the global process of consolidation and preservation of democracy, the main characteristic of which is the acknowledgment of an interrelation between democracy, human rights and human development.

It was only after the Declaration of Principles of Inter-American Solidarity and Cooperation (1936), the Eighth Pan-American Conference (1938) and, particularly, the Inter-American Treaty of Reciprocal Assistance (TIAR) in 1947, that the American states recognized democracy as a “common cause”. The obligation of mutual support and common defence became “essentially related to their democratic ideals and to their will to cooperate permanently”; and that “peace [was] founded on justice and moral order and, consequently, ... on the *effectiveness of democracy* for the international realization of justice and security” (emphasis added). Thanks to these advances, democracy protection became a key element in the formation of the OAS and its mandate. For over five decades, the OAS member states have built and perfected a regulatory body—although in many cases a non-binding one—demonstrating that member states understand that the peace and security of the continent depends on the stability of the hemisphere’s democracies.

Evidence of this slow but continuous progress are the OAS Charter (Preamble, Article 3, Article 9; Article 110); the Santiago Declaration of 1959; the Reform of the OAS Charter: Protocol of Cartagena (1985) and Washington (1992); Resolution 1080 (1991); the Nassau Declaration (1992); the Managua Declaration (1993); Resolution 1724 (Windsor, 2000); the Québec

Resolution (2001); and more recently, the Inter-American Democratic Charter (2001).

Applying OAS instruments to cases of democratic rupture has not always yielded the desired outcome and the response has not always been swift. For example, the OAS has applied Resolution 1080 in Haiti (to overthrow President Aristide in 1992), Peru (dissolution of congress and justice system intervention in 1992), Guatemala (self-coup attempt by President Serrano in 1992), and Paraguay (President Wasmosy institutional crisis in 1996), with mixed results. However, the same resolution was not applied in Venezuela (1992 coup) or Ecuador (Abdalá Bucaram’s removal from office in 1997 and the overthrow of Jamil Mahuad in 2000).

The Inter-American Democratic Charter has not helped satisfy the need for a swift, effective protection mechanism because, although it reflects advances in terms of the fundamental concepts of democracy and of the mechanisms that can be used to collectively defend it, it lacks preventive capability. Civil society could play a significant role in detecting and alerting on the deterioration of democratic institutions, and violations of the Charter.

The most recent democratic crises of the continent illustrate that alterations of democratic order are dynamic and require a timely reaction and constant monitoring of a state’s institutional political processes. The political crises in Peru (Alberto Fujimori’s government), Bolivia (Sánchez de Lozada’s government), and Ecuador (Gutiérrez’s government) have demonstrated that democratic disturbances and interruptions have taken on different forms than traditional methods such as coup d’état and election fraud. Rather, they generally follow lengthy and gradual processes of deterioration of democracy and do not always have an obvious point of rupture. Crises are often events that could be foreseen and prevented from escalating if the relevant political and social stakeholders of the state or hemisphere could reach consensus and find solutions quickly.

This lack of timely responses confirms a weakness in the Inter-American system (and all international relations). The asymmetry of power among members of the international organization dilutes the rule of “one state, one vote”. This asymmetry, coupled with the tortuous history of relations between American

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states, feeds wariness and suspicion of “interference” of the OAS in issues considered to be sovereign. This gives way to resistance in the application of the Democratic Charter’s mechanisms for the defence of democracy. In this context, principles of non-intervention and sovereignty become the political and legal justification for positions against OAS intervention, even though it was the same member states that adopted the measures for collective intervention through the hemispheric organization.

These power dynamics are convincing evidence that even if the Inter-American system and international law were to surmount their respective weaknesses and deficiencies, the protection of democracy, as is the case with human rights, would require third-party intervention. The action would come from stakeholders working consistently either to persuade member states and the OAS to observe or intervene in situations of democratic crisis, or to denounce the absence or tardiness of intervention.

Civil Society in the International Arena

Civil society’s involvement in international spheres is the product of a historical process of interactions between states, international organizations and civil society, and the formulation of common interests in the context of globalization. It is the spread of democracy as a political regime and the predominance of the market economy that have shaped (or diversified) collective action, social expression, and political processes.

Civil Society participation has not been spared criticism. On one side, resistance to civil society’s involvement in international fora has found its basis in international law. Old issues related to the inter-state nature of international organizations have been revived, resulting in a closed interpretation of the law that disregards the dynamism that characterizes it.

On the other side, there is resistance to the notion of civil society participation, fundamentally because it has entailed a redefinition of the *representation of interests*. As we know, civil society provides direct participation in public issues, in contrast to the traditional model of political representation of interests. For some, the result has been a need to question the existing political system as this “new”

way to make policy is established. For its part, the nature of civil society warrants, by definition, the creation of a “private” space in the public sphere and decision-making processes.

In spite of this criticism, international organizations have had to react to a demand for participation sparked by the collective action of civil society in the international arena. Organisations have had to redefine their practices and channels for dialogue in order to allow the inclusion of new non-state actors.

Civil Society and the Defence of Democracy in the Inter-American System

At its inception the OAS established its constitutional treaty in keeping with the structure used by the United Nations. The OAS granted the Permanent Council the ability to enter into agreements with “other American agencies of recognized international standing”. However, it was not until 1971 that a first attempt was made to systematize cooperative relations between the OAS and other national and international organizations. This issue received a decisive boost at the Miami Summit (1994). At this forum, the heads of state and government of the Americas expressed their interest in strengthening and diversifying the democracies of the hemisphere so as to ensure their durability. This statement triggered the creation of a set of mechanisms that, despite advances and setbacks, now allows society to further the global interests it defends, including strengthening and protecting democracy.

As a result, the existing spaces for civil society participation within the OAS and the inter-American system are: (a) participation in the Summit of the Americas process and (b) participation in OAS activities. The latter space provides three ways in which civil society organizations (CSOs) can participate in the OAS: (i) join the Registry of Civil Society Organizations, (ii) request a special invitation to attend public and closed meetings, and (iii) enter into a cooperation agreement with the OAS. See Appendix for more information on each of these mechanisms.

Each mechanism, with its benefits and complexities, provides opportunities for civil society to influence

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the OAS and its agenda. The importance of these mechanisms becomes even more prominent with respect to the protection of democracy, where the Inter-American System has shown serious weaknesses in achieving a timely (i.e. preventive) and effective (i.e. reaching consensus among political stakeholders, restitution of constitutional order, etc.) way to respond to and resolve democratic crises.

Member states adopted the Democratic Charter for collective intervention in democratic crises. In spite of its non-legal status, it is a political instrument that allows the OAS to intervene to find solutions to constitutional violations. Nevertheless, member states currently resist or delay its application, delegitimizing the organization as a relevant body in the prevention and resolution of ruptures in democracy. It is, therefore, crucial for civil society to assume a leading role in applying the principles set forth in the Democratic Charter. To do this civil society must take full advantage of the spaces the Inter-American system currently provides. It must focus particular attention on the Permanent Council, the General Secretariat and the member states themselves, who have the capacity to put in motion the mechanisms described by Chapter IV of the Democratic Charter.

In this regard, CSOs could, in the event of a democratic crisis, utilize OAS spaces to request an intervention or, more realistically, to bring a problem to the attention of the OAS. These spaces offer the following possibilities:

1. To participate in the organizing of, and to propose topics for, annual Permanent Council meetings, including issues of special interest to registered organizations.
2. To observe public meetings of the Permanent Council, the Inter-American Council for Integral Development (CIDI), and their respective subsidiaries.
3. To attend closed meetings of the Permanent Council, CIDI, and their subsidiaries, with the consent of the meeting chairperson.
4. To present written documents (2,000 word maximum) on issues pertaining to an organization's field. These documents may be submitted at the opening of deliberations, with prior consent and approval from the appropriate commission for the Permanent Council or CIDI. Later, the Office of the Secretary General will distribute the documents to the member states.

5. To distribute written communications to the Inter-American Committees for the Permanent Council or CIDI in advance of meetings, or to make an oral presentation at the opening of Council deliberations, with prior approval from the appropriate committee.
6. To distribute relevant documents in advance of Permanent Council or CIDI expert meetings and roundtables, and to make a statement at the beginning of the meeting, with prior approval of the groups present at the meeting. The text of the statement may be distributed to the member states in advance. CSOs may also make a presentation after the discussion of an issue has concluded, with prior approval of those present.

These mechanisms are linked to meetings or other OAS activities, which may or may not deal directly or even coincide with the development of a democratic crisis. However, democratic crises are generally processes of gradual decline in democratic institutions and if civil society is able to identify situations that violate the institutional political process or the legitimate exercise of power of a state, it can use these spaces to request immediate action from the OAS. The organization has the opportunity to react without having to wait for the democratic conflict to escalate to a point when little can be achieved through diplomatic negotiations, technical assistance, and other similar actions as established in the Democratic Charter.

On this matter, Articles 3 and 4 of the Democratic Charter are essential to civil society's task of influencing hemispheric organizations in that both articles provide fundamental elements and concepts that the states have agreed to in order to collectively protect democracy through the Inter-American system.¹

¹“Article 3: Essential elements of representative democracy include, inter alia, respect for human rights and fundamental freedoms, access to and the exercise of power in accordance with the rule of law, the holding of periodic, free, and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people, the pluralistic system of political parties and organizations, and the separation of powers and independence of the branches of government.”

“Article 4: Transparency in government activities, probity, responsible public administration on the part of governments, respect for social rights, and freedom of expression and of the press are essential components of the exercise of democracy. The constitutional subordination of all state institutions to the legally constituted civilian authority and respect for the rule of law on the part of all institutions and sectors of society are equally essential to democracy.”

In this regard, when CSOs encounter acts that violate any of these essential elements or concepts, they may utilize the opportunities provided by the Inter-American system to present evidence of these situations to the OAS and, as such, potentially influence the launch of certain mechanisms for the protection of democracy that have been set forth in the Democratic Charter. This is not a simple process with immediate effects. However, as long as the system does not evolve or find more adequate mechanisms for intervention, the collective defence of democracy will require the participation of civil society, which must use existing spaces in the best ways possible.

In parallel, the Inter-American system needs to adopt measures to achieve timely reactions for the protection of democracy. This will not be achieved if its intervention remains conditional on the decision of the states (through the Permanent Council and the General Assembly) and on the highest-ranking member of the organization (the Secretary General). Therefore, it is essential that the OAS evaluate at least three alternatives for change:

- a. **Create a technical body, autonomous from member states, to follow up on matters pertaining to democracy and generate timely information for the bodies of the OAS that have authority in the protection of democracy.** This body should base its work on standards and indicators of democracy, and could create alliances with civil society organizations and political stakeholders to collect timely information.
- b. **Increase the capacity of the Inter-American Commission on Human Rights to produce reports on democratic crises in the region.** This requires an increase in budget and personnel for the Commission. An alternative could be the appointment of a Special Rapporteur for Democracy.
- c. **Adopt an *International Treaty for the Preventive Protection of Democracy in the Americas*.** This instrument should legally bind the states to the strengthening and protection of democracy, and include mechanisms for follow up, assessment, and intervention during democratic crises,

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allowing for the implementation of individual (i.e. American Convention on Human Rights) and collective mechanisms (i.e. those created in the European Social Charter, where the complainants are organizations)

Collective Protection of Democracy through Civil Society: The Andean Democratic Network (RAD) Experience

Some assessments of the Democratic Charter claim that one of its flaws is the lack of a mechanism enabling victims and CSOs to trigger an investigation into Democratic Charter violations. The Charter should contain a mechanism that allows civil society and human rights entities to participate in identifying, evaluating and making decisions when democracy is jeopardized. However, the absence of such mechanisms should not be a deterrent to the activities of CSOs.

Aside from promoting the collective defence of democracy through the Inter-American system and within states, it is essential that civil society establish processes of collective action to be able to overcome the current asymmetries of power, the limitations of the Inter-American system vis-à-vis society, and the flaws of the Democratic Charter with regards to the prevention of democratic crises and dependence on the will of the states.

This collective action approach, however, requires the establishment of certain criteria for success. These criteria involve three dimensions: (i) an “ecological” dimension (i.e. creating a friendly environment in which stakeholders can pursue their interests), (ii) a “symbolic” dimension (i.e. creating common references or the use of symbolic common characteristics that identify the group), and (iii) an “organizational” dimension (the ability to mobilize human resources, funds, and logistics to meet the group’s demands, needs and objectives).

Civil society initiatives will need to incorporate these three dimensions to be effective in the protection and strengthening of democracy in the Americas. The most difficult dimension to achieve is the “symbolic” dimension, as it requires finding commonalities between social organizations that often have dissimilar interests and strategies. In addition,

the “symbolic” dimension is what legitimizes the pursuit of an initiative of this kind and has led to the reconsideration of the notion of interest representation. Civil society is frequently under attack for its weak links with social groups. This is why CSOs must focus on building constituencies for their activities.

The Andean Commission of Jurists (CAJ) has been promoting the Andean Democratic Network (RAD), a group of independent experts and CSOs in the Andean region whose main mission is to serve as a monitoring, mobilization, and timely response system to confront democratic crises.

For the RAD, it is imperative that concern for potential democratic ruptures cease to be an exclusive concern of the national authorities and the CSOs in the country where potentially problematic events are taking place. On the contrary, international co-operation and developed networks would allow claims of a breach in the democratic order to become agenda items at the OAS. Further, cooperation could also facilitate assessments of anti-democratic situations and the identification of domestic and/or international actions within the region that may contribute to the resolution of situations that jeopardize the integrity of the democratic order.

The RAD’s main monitoring instrument is its Early Warning System, which joins the CAJ’s information dissemination systems with the monitoring activities and technical evaluations of its member experts and organizations, in an effort to generate timely responses to prevent, mitigate or resolve democratic crises. These communications, directed at state and international authorities, indicate different degrees of concern about potential democratic crises and include precise and concise details about the situation.

The entire CAJ operational and institutional team, as well as RAD members, participate in a strict process to receive, verify, analyze, assess, classify, communicate and follow up on facts and incidents, and also provide material for follow-up and assessment work, which contributes to the success of these alerts. The Early Warning System has a basic structure :

- (a) An information sub-system that monitors Andean democracies and follows up on events

that could become violations of the Democratic Charter.

- (b) A system that facilitates communication between the states and the OAS on a potential situation that infringes upon the principles of the Democratic Charter.
- (c) A response system that analyzes and ranks the degree of severity of a particular situation based on certain indicators, which has a bearing on possible OAS intervention, and can support prevention or resolution activities.

In order to identify the severity and characteristics of a democratic violation, the Early Warning System has a three-level classification based on criteria established by the Democratic Charter for state intervention during democratic crises. Third-degree alerts imply a violation of a Democratic Charter principle, second-degree alerts are issued when there is a threat or impending situation that is jeopardizes democratic institutional political processes, and first-degree alerts are released when there is a risk of rupture in democratic order or a disturbance of the constitutional order.

Although the RAD and its alert system is a work in progress, it has already demonstrated its effectiveness. The RAD alerted the inter-American community to the democratic crisis in Ecuador in December 2005 following the removal of members of the Supreme Court and the subsequent impact on Ecuadorian institutions and political processes. The RAD could be a model for intervention in other regions where CSOs may wish to partner in the collective protection of democracy.

It is important to point out that CSOs, as well as the Inter-American system, need to generate capacity for democracy protection. In general, it is a relatively under-explored field of action open to originality and ingenuity, giving CSOs the freedom to explore the best ways to achieve timely responses from the Inter-American system.

Political and Institutional Capacity Barriers to Civil Society Action

In collective defence of democracy efforts until now, civil society has had a limited role because no emphasis was placed on the potential role played

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by institutions as “counterpowers” (Jouvenel). Civil society (NGOs, the press, labour unions, business unions, etc.) has thus lacked the necessary strength to develop mechanisms for the prevention of, or recovery from, democratic ruptures. Civil society and others must realize and take advantage of their potential. The following are some of the current limitations that must be overcome:

- **Limited Dissemination of the Democratic Charter:** A number of obstacles must be overcome given the limited empowerment of civil society to enforce the Democratic Charter. One is the limited dissemination of the Democratic Charter in relevant institutions and the unwillingness of states—and even of civil society itself—to help citizens cultivate a culture of democracy. NGOs and the media should be especially inclined to disseminate the Charter’s principles among citizens, given the power they hold and their essential function in a democratic system.

- **Organization of Civil Society:** Latin American civil society has not done a good job of organizing itself and interacting with the state on an ongoing basis. The creation of NGO consortiums for specific projects has helped mitigate the power of the state to a certain extent and is considered progress, but it is not enough. Permanent social networks with a core dynamic are needed to monitor and protect democracy and work towards the unrestricted respect of human rights.

Civil society must be better organized than it has been in the past. It must become an expansive and decentralized network of institutions and citizens acting as the balance of power to governing leaders. What exists now is what one would call a “restricted civil society”, as many sectors of the population do not have the incentive to engage in collective action, simply because they consider themselves to be excluded and deprived of real citizenship.

- **Exclusion and the Lack of Spaces for Participation:** The other limitation civil society faces is the lack of organic channels for participation in civic activities and in the defence of democracy. These limitations can be explained by their historic origins: in the Latin American republics the power of revolutionary military leadership displaced civil society. Organized civil life was divided into social strata, which limited the people’s capacity to organize

and was dominated by a state controlled by a small social group and excluded large social majorities from political life (Flores Galindo, 1981). Citizenship did not exist, and this situation was replicated throughout most of the hemisphere.

The exclusion of social majorities since independence, and the exclusive control exercised by the minority, became the main features of the state and were supported by violence, not consent. Military or civilian dictatorships supported or tolerated the colonial style of domination and exclusion.

The democratization of the 1980s was the beginning of a heightened interest on the part of society to express itself politically, and a demand for more participation. Political parties ceased to be the only channel and civil institutions, many of them private non-profit institutions, gained ground without formal representation and took on the tasks that political parties were unable to assume. Thus, civil society became a social representative, competing for or sharing space typically occupied by political parties. From that point onward, civil society, like political parties, had procedural functions that referred to the articulation and aggregation of demands.³

In spite of this, it is necessary to create institutional networks, and for NGOs, business and labour unions, the media, and other private institutions to operate in defence of democracy through coordinated and joint actions, without opening the door to corporatism.

Guidelines to Overcome Existing Barriers

In Latin America, disorganization of the citizenry has prevailed, and any type of institutional or civil mobilization has been weak, temporary, or constituted a spontaneous reaction with limited impact, lacking the strength to create alternative leadership or sustain itself. In addition, it has often been associated with political opposition campaigns.

The following guidelines can be used to influence the creation of a solid and proactive civil society for the defence of democracy:

³ For more details, see Huntington, Samuel P.

- There is a need for participatory channels and a culture of dialogue. Education policies should promote civil participation in all areas of everyday life (home, school, neighbourhood, etc.). A participatory society is able to drive concerted actions in a more organized manner for the purpose of protecting democracy when it is at risk, or to demand its return when ruptures have taken place.

- Promote social networks that foster democracy internally and can interact with networks in other countries. It is possible to start building these networks through the organization of large regional social fora that allow consensus building and agreement on plans of action. This initiative is more viable if led by NGOs that already work on issues of democracy and human rights and include social leaders and prominent figures from the countries, especially intellectuals.

- Promote links between organized society and institutions of civil society. This internal process must foster participation among the people, which are generally disorganized, in projects for the defence of democracy.

- Disseminate and explain the contents of the Democratic Charter among the population and CSOs to make it a fundamental procedural benchmark for the joint action of institutions and citizens. Promote mechanisms for organized society to activate processes for the collective defence of democracy.

We are at a juncture where the necessity is greater than the means available to satisfy it. On the one hand, societies of the Americas need stakeholders, mechanisms, and institutions that can guarantee legitimate and long-lasting democratic processes. On the other hand, the Inter-American system and CSOs are still in the process of learning how to reach this goal.

Both the Inter-American system and CSOs have contradictions and shortcomings. However, the most important thing is that changes and transformations are possible. International law is dynamic, as is civil society and its strategies. For this reason, it is necessary to combine patience and tolerance with ingenuity and hard work. We must understand that changes cannot come about instantly and that in

order for change to occur, we need an agent to drive it.

It will take some time to improve the mechanisms of civil society participation in OAS activities and to drive timely collective actions, but certainly the time will come when, as human rights, democracy and its institutions will be more adequately protected than they are today.

Appendix

a) Participation in the Summits of the Americas process

In the case of the Summits of the Americas, a range of possibilities exists for participation. Organizations can participate in preparative forums tracking follow-up and implementation of the Summit process, present proposals and recommendations, establish strategic networks to exchange information and feedback, and participate in special sessions of the Summit Implementation Review Group (SIRG).

We must understand that changes cannot come about instantly and that in order for change to occur, we need an agent to drive it.

However, difficulties arise due to the informal nature of these spaces and to the absence of any obligations on the part of the host country or other Inter-American bodies to implement these mechanisms (at best, one could find in some of the Summits Declarations a general mandate to the Secretary General to coordinate the participation of civil society in the Summits). This subjects civil society participation to the will of the states, which have

been progressively more supportive of civil society participation. At the Special Summit in Monterrey, the states recognized the need to secure the systemic nature of this participation.

This commitment is healthy and its implementation is necessary to avoid the complications that frequently arise around the participation of CSOs. These problems include the discretion in organizing meeting spaces for civil society and governments and the characteristics of these meetings (for example, the meeting with the Ministers of Foreign Affairs is characterized by its brevity and lack of dialogue), the lack of clarity on the process of accreditation and registration and the election of interlocutors, etc.

b) Participation in the Activities of the OAS

With respect to participation in the activities of the OAS there are regulated participation procedures, however not all of them are satisfactory.

i) CSOs can present themselves before the OAS and request their incorporation in the **Register of Civil Society Organizations**. Incorporation in this register generates a series of obligations for the organs of the OAS. This is not so much an instrument to control and select organizations but an accreditation mechanism granting certain benefits to registered organizations. However, it must not be forgotten that this mechanism also submits CSOs to an inevitably political evaluation in that implies the participation of the Permanent Council – and as a consequence the member states – which can generate unreasonable vetoes based on the political objectives of the states.

Registered organizations can receive and request information, access draft resolutions of the General Assembly and obtain documents in advance of the Council meetings); participate in public meetings of the General Assembly, Permanent Council and others as well as closed meetings of the Permanent Council and the Inter-American Council for Integral Development (CIDI)⁴ ; present their opinion through written documents and declarations (before the Permanent Council and the CIDI); and solicit economic support through the “Specific Fund to Finance the Participation of CSOs in the Activities of the OAS and the Summit of the Americas Process”.

While it is true that the privileges linked to participation in public meetings are also enjoyed by unregistered organizations, the process of accreditation is not rigorous and does offer special status and benefits for those organizations that register. For instance, registered organizations enjoy the right to receive and request information and present observations and declarations, which unregistered organizations cannot formally demand.

Despite advances, the benefits of the registry still present incongruities that can easily be overcome. For example, the accreditation procedure to participate in the meetings at the General Assembly is totally independent of the organization’s accreditation status, and all organizations (registered or not) must request “Special Invitee” status for each of the General Assembly meetings they wish to attend.

ii) The second participation mechanism is the “special invitation” to a meeting, special conference or ministerial meeting. An individual or organization must present a request to participate to be admitted to the meeting. Once the Permanent Council has approved the request, the individual/organization will receive a “special invitee” identification tag

and be allowed to enter the meeting. It is important to note that each of the political organs, special bodies and committees of the OAS have established their own specific characteristics that control the participation of civil society in their activities. As such, not all organizations are able to participate in all events, and must demonstrate a proven interest in the subject matter of each meeting.

iii) A third possibility that CSOs have is to sign a Cooperation Agreement with the OAS to participate or contribute technical, administrative or financial assistance to the General Secretariat. Under these agreements, organizations can design, finance or execute projects on behalf of the General Secretariat.

To sign these agreements, the OAS requires organizations to present a proposal to the appropriate department or office within the General Secretariat. The proposal must clearly outline the objectives and establish the type of agreement to be signed (be it general or specific). If after all of the documents have been submitted a preliminary agreement is reached between the General Secretariat and the organization, an official agreement will be prepared with the assistance of the Legal Services Department to seek the authorization and signature of the Secretary General. The difficulty with these agreements is that they involve having sufficient economic and human resources in order to implement the corresponding obligations. However, this limit is reasonable for mutual cooperation agreements.

⁴ There are different types of meetings of the OAS bodies: public, closed and private. Civil society can normally participate in public meetings and, with authorization, in the closed meetings. However, the private meetings only permit participation of the Member States.

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