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## Op-Ed The Meeting in Waco

Andrés Rozental

*Much ado about nothing* is perhaps the best way to describe the trilateral meeting that took place on Wednesday March 23 in Waco, Texas. An event that promised more than it delivered quickly became another wasted opportunity when the leaders ended up only dealing with simple, politically correct issues instead of opting for a bold vision into the future. There were no new grand initiatives or ideas for what the next steps should be in North America. The security and prosperity alliance that was outlined at the end of the meeting has little substantive content beyond facilitating business, trade and responding mainly to US security concerns. A commitment to return to the agenda in three months, after the ministerial working groups have put some meat on the bones, is way too little for a summit that took more than three years to happen and that raised higher expectations from those who thought we might be getting more.

There are facts and myths that explain the relatively weak outcome of Waco. The facts can be found in the political realities that face the three leaders today. President Bush is preoccupied with other foreign policy issues and regions, and his closest political advisors continue to tell him that any significant improvement in relations with his neighbors is likely to have too high a domestic political cost which the Republican Party might have to pay for in the 2008 mid-term elections. President Fox inexplicably not only made public his decision to retire to his ranch as soon as possible, but also closed the book on the migration agenda with the United States and seems to be perfectly satisfied with the camaraderie and photo opportunity that came from rubbing shoulders with his two colleagues. Finally there is a politically besieged and weakened Canadian Prime Minister, unable to consolidate his minority government and take the decisions that his country demands. In the end none of the three dared take the risk of opening themselves up to domestic criticism by taking a qualitative and quantitative leap in their conceptions of the future of North America.

The trilateral encounter was also surrounded by myths. As always, the main ones are in Mexico and began to develop even before the ink had dried on the joint statement: that the security agenda only interests the Americans and means nothing to Mexico; that we do not need to get closer to the imperial colossus that only wants to ravage Mexico and obtain more advantages, in exchange for little or nothing; that the North American Free Trade Agreement (NAFTA) did not benefit Mexico as much as the other members, etc, etc. Americans also have their myths: that public opinion in their country would never accept a substantial investment in the overall prosperity of the region; that the thorny issue of migration makes it impossible to facilitate the flow of persons who legitimately cross the borders every day; that the European model threatens the sovereignty of independent nations; or that the economic and social asymmetries between the countries of North America represent a threat to the *American way of life*.

I find it more difficult to explain Canadian schizophrenia and the myth surrounding the so-called special relationship that Canada pretends it has with the United States and that must be preserved at all costs and not be “contaminated” with Mexican issues. Prime Minister Martin, who for many years demonstrated his philosophical commitment to a North America that could be more competitive, more prosperous and more secure, allowed himself to be carried away by the temptation to take advantage of the trilateral meeting—and subsequent press conference—to mainly emphasize bilateral problems with the United States, thus downplaying the trilateral agenda and making what can only be interpreted as a *Freudian* slip when he said that the Waco agreement was “no big deal”. It never ceases to surprise me that Canadians continue to be the most reticent to embrace the trilateral agenda. Even were links with the United States as privileged and special as Canadians suppose, they should be the first to recognize that a more integrated North America would bring significantly greater benefits to all, than if each country continues to do things on its own.

## Mexico

The special congressional committee charged with evaluating if Mexico City's Mayor, Andrés Manuel López Obrador (Party of the Democratic Revolution, PRD), should be stripped of his political immunity decided to postpone its recommendation until April 1, instead of the scheduled March 30 release. Thus, the decision of whether to take the issue to the Chamber of Deputies has also been deferred. The delay was viewed by the National Action Party (PAN) as a manoeuvre on the part of the Party of the Institutional Revolution (PRI) to delay the decision due to differences of opinion within the party on the case (La Jornada, 30/03/05). López Obrador has been accused of contempt of court in a dispute over the construction of road using expropriated land.

The congressional committee is composed of four members: one from the PRD, one from the PAN, and two from the PRI. While the positions of the PAN and PRD are clear (for and against, respectively), the fate of López Obrador is in the hands of the PRI. The political costs of the decision are potentially high. Although the government, through the Attorney General, has emphasized the judicial nature of the case, the decision about the political immunity of López Obrador is at the centre of political debates leading up to the presidential elections of 2006. Because facing charges could become a hurdle for the presidential aspirations of López Obrador (the front-runner in the 2006 electoral race according to all polls) many Mexican intellectuals have voiced concerns about the fact that the decision may be politically driven, and warn of the potential implications that the decision could have for democracy in Mexico (Reforma 3/03/05). Business groups and some members of the main Mexican political parties have also called on the committee to be cautious and responsible in its decision making (El Economista, 30/03/05), especially following the recent confrontations between President Vicente Fox and López Obrador.

Nothing was said in the “prosperity” part of the partnership alliance about the need for North America to help Mexico with its development policies, nor about a proposed North American Investment Fund. The region will never be able to compete, be secure and enhance the prosperity of its peoples unless a serious effort is made by all three countries to begin to reduce the asymmetries and development gaps that exist among and within each of them.

It's a shame that an opportunity to advance beyond the NAFTA free trade area was missed once again. The three leaders had everything to gain by being bold, showing political vision and initiating the next steps in the construction of the North American Community that is being proposed by the Trilateral Independent Task Force on the Future of North America, sponsored by the Mexican Council on Foreign Relations, the Canadian Council of Chief Executives and the Council on Foreign Relations in New York. Instead they seem to be quite satisfied with fairly insignificant platitudes and a few baby steps in the trade and investment agenda. Far from stimulating Americans, Mexicans and Canadians to think out of the box towards a future Community that could compete head to head with Europe, Asia and South America, the three leaders gave the exact opposite signal: let's continue to work on minor issues that don't have a domestic political cost *vis a vis* the vocal minority that opposes further integration, even though the process is underway and increasing our interdependence by the hour.

On this occasion, neither Bush, nor Fox, nor Martin showed the statesmanship we expected of them as leaders. They left us waiting at the altar and went back to their Easter vacations without having met the challenge. What a pity!■

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## Cuba in Geneva: The State of the Debate

Ana J. Faya

Like in every other year, this April the United Nations Commission on Human Rights (CHR) will meet in Geneva and issue a statement on the human rights situation in Cuba. This year the discussion of the Cuban case will take place amid the United Nations (UN) Secretary General's call to reestablish the credibility of the Commission and renewed diplomatic conversations between the European Union (EU) and Cuba. As usual, discussions will be characterized by the extreme politicization produced by the diplomatic activities of Cuba and the United States, caused by the ongoing conflict between the two states.

This year the Geneva discussions on Cuba will be based on a report on the current situation on the island by Christine Chanut, Personal Representative of the High Commissioner for Human Rights. The report, which was produced according to a mandate issued last year by the Commission, urges Cuba to free all political dissidents, grant freedom of expression and lift restrictions on travel. In the report, the French magistrate says the Cuban government has continued to arrest dissidents, while journalists have been "threatened and intimidated". She also accuses Cuba of handing out "disproportionate" sentences to those jailed for the mere expression of views, and repeated her alarm at the prison conditions some dissidents face. Chanut was appointed by the UN High Commissioner in early 2003 to probe allegations of abuse in Cuba and has been repeatedly refused permission to visit the island. She based some of the arguments in her report on the allegations of mistreatment in detention that have been submitted by families of prisoners, repeating a concern she raised in her first report in February 2004. Chanut also notes that Cuba can point to many positive developments in economic, social and cultural areas, particularly in health and education. The UN Representative states in her report that "it was impossible to ignore the disastrous and lasting economic and social effects" of the economic embargo enforced by the United States, which had worsened in 2004 (Reuters, La Jornada, Notimex, 02/03/05).

US officials have said the United States "is working closely with other nations and the EU to highlight human rights issues" in Cuba. Since 1989, the US—which is also currently being denounced by human rights activists for violations committed against prisoners at the Guantánamo naval base and in Iraq—has sponsored a UN resolution on Cuba and has done so again this year, "to keep the issue of Cuba's human rights on the record and to keep the Personal Representative of the UN High Commissioner for Human Rights in place within the country" (www.USInfo.State.Gov, 30/03/05).

On March 24 the EU sent Louis Michel, its Development Commissioner, to Havana on a crucial visit to rebuild ties between Brussels and Fidel Castro's government after a two-year rift over human rights abuses. While the details of the conversations between Michel and Cuban officials—including a four hour meeting with Castro—are not known, it is acknowledged that in the meetings the EU representative made the theme of Cuban violation of human rights a principal issue and called for the liberation of all political prisoners on

the island. For its part, one of Cuba's conditions for improving the relationship with the EU was that EU members not back the draft resolution on Cuba presented by the US in Geneva.

Meanwhile, the Cuban government's position on the Geneva meetings has been to reject the mandate of the 2004 Commission and the new resolution to be proposed by the US. In a speech delivered at the meeting on March 16 at the beginning of the 61<sup>st</sup> session of the Commission, Cuban Foreign Affairs Minister Felipe Pérez Roque said that Cuba "will not cooperate with the Representative of the High Commissioner or with the spurious resolution behind her. Why is it [that] not such a prestigious lawyer [was] appointed Special Representative of the High Commissioner to the Guantánamo Naval Base?", referring to the UN Personal Representative Christine Chanut (Cuba Minrex, 30/03/05).

Like in previous years the government of Fidel Castro, in search of international support for its position, has undertaken intense diplomatic activity and has activated a wide network of solidarity organizations. The result of this international campaign has been that in various countries in Latin America and Europe congressional groups, a number of intellectuals and political organizations have launched calls for their governments not to support the US resolution on Cuba, making the vote in Geneva more of a domestic political issue for some governments.

Meanwhile, watchdogs like Amnesty International and Human Rights Watch are calling on the Cuban government to liberate all prisoners of conscience currently detained on the island. They are also pressing Cuban authorities to undertake legal reforms to bring its domestic laws into compliance with fundamental international human rights norms, while urging them to invite Commission experts to visit Cuba.

In April, the member states of the 61<sup>st</sup> session of the Commission will vote on the state of human rights in Cuba. Independent of the need to restructure the Commission, of US diplomatic actions against Fidel Castro's government, or of the fact that some countries will vote according to domestic interests and not according to the

analysis presented in Chanet's report—even irrespective of the fact that the US resolution may or may not be approved—the report of the Special Representative of the High Commissioner signaled that violations of human rights *do* exist in Cuba. It will be the sole responsibility of the Cuban government if these violations continue.■

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## Bolivia – A Country in Constant Crisis

Fran Espinoza

In the last Bolivian elections of 2002 Gonzalo Sánchez de Lozada was victorious, winning a second presidential mandate. However, he was not able to finish his term due to the social upheaval of February 2003, the “clash” between the military and police over tax increases and the mass rebellion—the so called “gas war”—of October 2003 that left more than 60 people dead and approximately 500 wounded.

As a result of the violent conflicts of “Black October”, Sánchez de Lozada resigned and since then the position of president has been filled by Carlos Mesa, journalist, historian and ex-vice President under Sánchez de Lozada. Mr. Mesa assumed the post and committed to the “October Agenda”, which involved dealing with key issues that had taken the country to the brink of ungovernability. The main points of this agenda included: a binding referendum on the extraction and exportation of gas; a review of the debt capitalization process; convening a Constituent Assembly; and a review of the existing hydrocarbons law and the development of a new energy policy

It was precisely Mesa's failure to effectively execute the last task on this list—the development of a new hydrocarbons law—that is the cause of the current crisis that threatens Bolivia. On March 7 President Mesa presented his letter of “reversible resignation”, citing the impossibility of governing a country experiencing such serious social upheaval. The draft bill on hydrocarbons that Mesa presented has had little chance of being approved, as the government does not have the support of the political groups in Congress. What is more, since its inception the proposed law has also been debated and has divided the diverse social and political sectors of the country. Due to the lack of congressional support, Mesa has been unable to resolve this key issue, thereby exacerbating existing divisions and generating widespread social dislocation.

According to the newspaper *El Deber*, more than 50 road blocks were set up, which affected the country's main roads, especially in the areas of El Alto and El Chapare. There was a violent transportation stoppage in Santa Cruz that lasted for weeks. The stoppage forced the city's mayor, Percy Fernández, to have the police intervene to end the blockade, which saw more than 100 people detained and multiple human rights violations committed. Add to this crisis the petition for regional autonomy that was launched by Santa Cruz, to which the Department of Tarija quickly joined.

The day after President Mesa presented his resignation letter, Congress announced that it would not accept it and agreed to support the speedy approval of a new hydrocarbons law. This decision further polarized the situation in the country, with the traditional parties like the Leftist Revolutionary Movement (MIR) and the Nationalist Revolutionary Movement (MNR) on one side of the debate, and the opposition, headed by Movement Towards Socialism (MAS) and leftist political groups, on the other.

The government's response to the polarization and protest was quickly apparent. Mesa asked for support of the people, calling for them to undertake peaceful public demonstrations. On Wednesday March 9, Mesa gave a speech in the Plaza Murillo in La Paz to a mainly middle class audience, and stated that “This is my commitment, a fair hand to those who are blocking Bolivia, to those who want to destroy this country”.

At the same time members of MAS, Indigenous Peoples and rural farmers committed to stepping up the roadblocks across the country in support of their demand for 50% royalties on foreign energy firms and the nationalization of the nation's energy reserves.

On Tuesday March 15 the President once again addressed the country to declare himself “exhausted by the conflicts and frustrated by the lack of results reached in his 15-month term”. He proposed moving up the general elections to August 28, 2005, the same day that elections for representatives of the Constituent Assembly are scheduled to take place—and two years ahead of schedule.

Congress once again rejected Mesa's petition and asked him to govern and stop using the blackmail tactics on the country. The decision by Congress was interpreted in different ways. According to some sectors the parliamentarians did not allow the elections to be moved up because it would cause them to lose their seats in Congress, along with their salaries. On the other hand, Mesa's resignation would generate more of a crisis, sending a clear message that every time the public wanted a change in the presidency all they had to do was set up roadblocks and a resignation would immediately come. What is

more, fear exists within the business class, especially in Santa Cruz, that if Mesa leaves Evo Morales could take power, which would accelerate the Santa Cruz autonomy processes.

Currently there is a truce in the crisis. The truce is due to the fact that Bolivians were celebrating the Easter holiday season during the third week of March, and MAS leaders asked that the protesters rest to be ready to begin roadblocks and pressure tactics with renewed force at the end of the March.

Transnational businesses like Petrobras and Repsol have affirmed that they will not invest one dollar more in Bolivia given the instability in the country. According to the magazine *Número 1*, international donors are threatening to withdraw assistance due to the difficult conditions. As it stands, the continuation of foreign investment and international aid will depend in large part on the resolution of the conflict surrounding the new hydrocarbons law, as well as other contentious issues, such as the question of potable water in La Paz and El Alto.

## Argentina's Debt Restructuring

On April 1, 2005 international investors will be able to trade in their Argentine government bonds for the first time in more than three years. In early March, Argentine President Nestor Kirchner completed the largest debt restructuring in history. Kirchner convinced approximately three-quarters of investors to accept re-issued bonds at about one-quarter of their original value. This swap will allow Argentina to reduce its US\$190 billion debt by more than US\$60 billion, greatly reducing Argentina's heavy interest burden (Economist, 03/03/05).

Argentina defaulted on US\$102 billion worth of bonds in December 2001, the largest sovereign debt default in history. Years of constant borrowing and bailouts from the International Monetary Fund (IMF) in the 1990s only delayed the inevitable, and Argentina has spent the past three years recovering. The IMF has now reopened negotiations for a new US\$13 billion loan, discussions that the IMF had suspended until the debt restructuring was complete.

Despite the new deal and the reopened IMF negotiations, Argentina is not yet out of the woods. Argentina will have to deal with the outstanding creditors that rejected the deal. While some of these dissatisfied creditors may simply write off the loss, others will fight for their money in court. Meanwhile, Argentina's debt still stands at US\$125 billion—about 75% of the country's GDP, a dangerously high debt ratio. By comparison, Brazil's debt ratio currently sits at a mere 52%.

Almost all of the new bonds are scheduled to pay out in 2033. Both Argentina and its creditors are hoping they will not set another financial world record.

The crisis is of such a magnitude that some analysts have begun to call it the "Colombianization" of Bolivia, given the chaotic state the country finds itself in and the danger that such an unsustainable situations could lead to a civil war.■

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## Uruguay Shifts to the Left

Eduardo Gudynas and Diego Martino

Tabaré Vázquez took office as President of Uruguay on March 1st, becoming the first left-wing president in more than 150 years of that country's history. He won the October 2004 general elections with 51% of the vote, breaking a long history of bipartisan rule by the Uruguayan traditional parties—the Colorado (PC) and National (PN) parties—that have alternated in power since the country's independence in 1830.

Vázquez is the leader of the Broad Front-Progressive Encounter-New Majority (AF; the Broad Front hereafter), a political group formed in the 1970s that combines characteristics of both a political party and a coalition. The Broad Front was formed by political parties that have a long tradition in Uruguayan politics, including the Socialist (PSU) and Communist parties (PCU), as well as others that were formed more recently, such as Vertiente Artiguista (VA) and Assembly Uruguay (both formed around important political leaders), and the Popular Participation Movement (MPP), whose leaders are former members of the Tupamaro guerrilla movement. Despite being a coalition of diverse groups, and thanks to its relatively long history, the Broad Front has developed its own identity, and its followers usually considered themselves partisan members of the Front.

Since its inception, the Broad Front has increased its electoral base. Its first major political achievement occurred in 1990 when it won the municipal elections in Montevideo, the country's capital. The new governor from the PSU, Tabaré Vázquez, was a well-known oncologist who had a background working with local groups and a

popular soccer team in a low-income neighborhood. Vázquez maintains an atypical political style: in some cases he distances himself from regular citizens and grants few press conferences, yet he also often attracts support from disadvantaged sectors of society.

As governor of Montevideo he alternated support from the left and center-left base, and emerged as a respected politician and leader of the Broad Front. Since his years as governor the economic and social conditions in the country have deteriorated, particularly during Jorge Battle's (PC) last period, which included the 2002 financial crisis that increased poverty levels and generated public discontent with the traditional ruling parties.

The Uruguayan political system remains one of the strongest and most stable in Latin America. Citizen involvement in the political parties is very strong, as is their interest in politics. The Broad Front won a simple majority with 51% of the votes. This means that although the country has undergone a historical change, it remains divided in two, as it has been for the past 20 years. However, the Broad Front will have a simple majority in congress, which will facilitate governability of the country and allow the government to get things done.

## Paraguay

Paraguay's President Nicanor Duarte proposed a National Security Plan—also known as “Secure Paraguay”—on March 3 as a measure to counter organized crime. The cornerstone of the plan is to give the military a key role in the fight against public insecurity, and in the process streamline the police force which is perceived as corrupt. The plan also includes more severe penalties for organized crime (La Nación 05/03/05).

While the plan has been framed by the government as a measure to tackle the problem of insecurity, links to international organized crime and the fight against corruption, legislators have stressed concerns about the military's participation in these activities and the potential use of this plan against left opposition groups (Latin News, 15/03/05). These concerns arise from the findings of the investigations into the kidnapping and murder of Cecilia Cubas—daughter of former President Raúl Cubas. The investigation suggests that members of the radical left-wing party Free Motherland—believed to have ties with the Colombian Revolutionary Armed Forces (FARC)—were responsible for that crime (The Economist, 10/03/05).

Although the direct involvement of the FARC in the kidnapping and assassination of Cubas has not been established, Paraguay has signed an agreement with Colombia to exchange information and to work in tandem to prevent links between the Colombian guerrillas and people involved in crime in Paraguay. In addition, Venezuela and Chile will provide assistance to Paraguay regarding anti-kidnapping and public security programs, and it is expected that more assistance will come from Mercosur after the meeting between public security officials in Asuncion in June 2005 (Latin News, 15/03/05).

One of the particularities of the new government is the structure of its cabinet, which includes the main political figures of each of the different sectors that make up the Broad Front. The PSU leader, Reynaldo Gargano, is the Foreign Minister; the Secretary General of the PCU, Ana Marina Arismendi, is the Minister of Social Development and Mariano Arana, the leader of VA, is the Minister of Housing and Environment. This cabinet can be seen as a collegial government that will ensure representation of each sector of the Broad Front's diverse electoral base. However, this also limits the capabilities of the president to maneuver, because the removal of a minister could threaten legislative support.

According to public opinion surveys approximately 80% of the population has very high expectations of the new government. One of the first initiatives to be launched was an “emergency plan” to combat poverty, which affects approximately 30% of the population. A new ministry was created to implement the plan, which provides monetary, health, and food assistance to the poorest families. Beneficiaries are in turn expected to facilitate, among other things children's attendance at school and at regular medical check-ups. The plan is similar to programs being implemented in Argentina and Brazil.

Specific measures related to human rights have also been announced. This is an issue that has persisted since the end of the military dictatorship in 1985. Although a 1989 referendum conferred a general amnesty on military and security agents involved in human rights violations, some gray areas still remain—such as the whereabouts of many of the “disappeared”. The new government already introduced new actions to solve this problem, which continues to create tensions in the country.

Based on the government's initial economic initiatives it can be assumed that there will be a continuation of previous governments' economic policies. Commitments with the International Monetary Fund (IMF) will be maintained, and the government has received the endorsement of international financial agents.

This continuation of past economic policies has led to the first domestic tensions, which have some analysts suggesting that the government program is still under dispute. There is also anticipation to see how the government's relationship with unions will unfold, as their list of demands is long. There is concern in the environment and natural resources sectors because, despite the results of a referendum in the last election, the government has not advanced with the re-nationalization of water and sewage services.

Important changes have taken place on the international front. The first governmental act was to restore diplomatic relations with Cuba, which had been interrupted by the previous administration. It has been announced that international policies will be directed towards greater alignment with MERCOSUR, and that coordination with Argentina and Brazil will increase. The closest political ties are with Argentine President Néstor Kirchner, whose government endorsed the Broad Front during the elections, and with whom several new agreements have been signed—including one related to human rights issues. Other major announcements were that Uruguay will join the G-20 at WTO negotiations and that Uruguay would maintain its commitments at the International Court of Justice, confirming that no agreement will be signed with the United States to provide immunity to its troops. ■

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## The Vulnerabilities of Democracy and the Inter-American Democratic Charter

Jennifer McCoy

Recent turmoil in Bolivia has painfully highlighted the fragile nature of our democracies, and four sources of vulnerability emerging from 1) socio-economic disparities, 2) weak political institutions, 3) global economic interdependence, and 4) contemporary security threats. I will examine each of these vulnerabilities, responses by governments, and the potential of the Inter-American Democratic Charter to address them.

**Socio-economic disparities** are evident in the following: About 45% of the population in Latin America and the Caribbean—225 million people—live under the poverty line, and the region has the most unequal income distribution in the world. The worst news is that both the number of people living in poverty and the income gap have grown larger in the past fifteen years, not smaller.

The vulnerability of weak **political institutions** is perhaps most evident in the abysmally low confidence placed in political parties among many citizens of the hemisphere. Citizens are losing confidence in the ability of their governments to deliver on the promises made—to improve living standards, to end corruption, to give every citizen equal access to justice.

The socio-political implications of **global economic vulnerabilities** are evident in the still unresolved negotiations over agricultural subsidies to move forward the Free Trade Area of the Americas (FTAA); in the debt restructuring being carried out by Argentina; and in the protests of Bolivians over French water contractors and natural gas pipelines through Chile.

**Contemporary security threats** from narco-trafficking, organized crime, and international terrorism tempt governments and citizens alike to look for tough solutions that may collide with the free movement of people and protection of basic civil liberties and human rights.

The consequence of these vulnerabilities is often disruption of government and deep disillusionment with democratic institutions. Since 2000, five elected presidents were forced to step down before the completion of their terms, in the wake of massive civic discontent. We run the very real risk that dissatisfaction with the performances of democratic governments will transform to disillusionment with democracy itself.

The difficulty of governing in the face of these vulnerabilities has produced some undesirable, if understandable, reactions affecting the democratic system. These responses include attempts by governments to 1) remove accountability by *conjoining* powers of the state, rather than respecting *separation* of powers; 2) curtail political protest and freedom of speech rather than enable it; 3) exclude challengers rather than encourage competition of ideas and political proposals; and 4) privilege security concerns over fundamental civil liberties protected by international treaties. These four reactions affecting democracy are taken with the purpose of retaining power, at least to the end of a term, and maintaining some semblance of governability.

Recent tensions in Ecuador and Venezuela illustrate the first kind of reaction—a tendency toward conjoining powers by using a majority in Congress to appoint or remove members of courts and electoral authorities in such a way as to give advantage to one political force, and thus restricting the possibility of these institutions

serving as checks on the executive branch. One-party domination of election commissions has also been an issue recently in the Dominican Republic and Haiti. Nicaragua, on the other hand, illustrates a case where some claim that the legislature has approved reforms usurping on executive power.

The second reaction affects freedom of expression and political dissent. In many countries, journalists have been threatened or harmed when investigating cases of corruption and organized crime, sometimes linked to law enforcement actors, including in Brazil, Colombia, Guatemala, Mexico, Paraguay, and Peru. Continued laws criminalizing *desacato* and *difamación* throughout Latin America pose threats of self-censorship by news media or disproportionate punishing of such acts with deprivation of liberty. Venezuela and some Mexican states are moving in the opposite direction from the rulings of the Inter-American Court of Human Rights by stiffening the criminal penalties for libel and slander of public officials. Particularly worrisome is any application of laws in a manner targeted to political opposition in an effort to stifle political criticism or dissent.

With respect to the third reaction of excluding challengers, actions by two political parties in Nicaragua and Mexico to name members of the electoral authority to the exclusion of other parties may be read as an attempt to exclude the possibility of other parties effectively competing in electoral contests. The tendency of a single generation to maintain party leadership threatens the ability to renew political leadership through generational change, especially where internal party democracy is weak, as in much of the hemisphere.

The tendency in the continent to change the constitution to allow for immediate re-election of the president and to apply the law retroactively to include the executive who has promoted the law, as has happened in Argentina, Brazil, Peru, Venezuela and now potentially Colombia, many times allows for unseemly pressure by a sitting executive.

On the fourth reaction, in response to the terrorist attacks of September 11, 2001, the United States initiated a war against terrorism and passed sweeping legislation that allowed for unprecedented surveillance and intrusion into private lives, curtailed due process rights of individuals, created a climate of self-censorship where any questioning of the approach was interpreted to be unpatriotic, placed new limits on access to information, and authorized indefinite, incommunicado detention without charge of 600 individuals. Some other countries in the hemisphere have used the example of the U.S. expansion of executive power to justify interpreting internal dissension as a security threat, thereby undermining civil rights.

Four years ago, Canada and Peru took the lead to develop a new, more explicit commitment to democracy for the hemisphere. On September 11, 2001, the hemispheric foreign ministers signed in Lima an historic document—the Inter-American Democratic Charter—demonstrating their commitment to democratic government and human rights. Yet, the hemisphere has not been able to prevent crises of the magnitude of a short-lived coup in Venezuela and a continued deep polarization and division in that country, a long political impasse in Haiti resulting in the departure of its

president and an essentially failed state, or repeated road blockades and mass protests in Bolivia and Ecuador.

Governments in the region seem to view the Democratic Charter as a punitive instrument, rather than a constructive one. Its preventative potential has not been realized. The Charter commits nations to helping one another when our democratic institutions are threatened—either by actors in civil society or outside the law, by governments closing political space to their citizens, or by one branch of government usurping the prerogatives of another branch. The Charter can be a punitive instrument, providing for sanctions when a serious alteration or interruption of the democratic order occurs. It is also a preventative instrument, providing for technical assistance and political encouragement to prevent democratic erosions early on. We should work together to realize the Charter's potential for preventing democratic crises.

Implementing the Charter depends on the political will of governments. The willingness to use the Charter proactively to warn about early erosions and help prevent their transformation into full-blown crises is hampered by fears that once it is applied in one country, the Charter may next be applied to other governments. Currently, the OAS Secretary General cannot even make a visit to evaluate a country at risk without an invitation from the government. Such invitations are rare. If a threatened government fears that it will be seen as weak if it calls for assistance under the Charter, it will not do so. If the government itself is the threat to democratic rights, it will be loath to invite an external evaluation.

Two simple actions would help to remedy these problems and allow the governments of this hemisphere to act when needed.

First, a clear definition of “unconstitutional alteration of interruption” would help guide us in determining when to take action in defense of democracy. Conditions warranting action should include:

1. Violation of the integrity of central institutions, including constitutional checks and balances providing for the separation of powers.

2. Holding of elections that do not meet minimal international standards.
3. Failure to hold periodic elections or to respect electoral outcomes.
4. Systematic violation of basic freedoms, including freedom of expression, freedom of association, or respect for minority rights.
5. Unconstitutional termination of the tenure in office of any legally elected official by any other elected or non-elected actor.
6. Arbitrary or illegal removal or interference in the appointment or deliberations of members of the judiciary or electoral bodies.
7. Interference by non-elected officials, such as military officers, in the jurisdiction of elected officials.
8. Systematic use of public office to silence, harass, or disrupt the normal and legal activities of members of the political opposition, the press, or civil society.

Second, we also need to develop a set of graduated, automatic responses to help us overcome the inertia and paralysis of political will that result from uncertain standards and the need to reach a consensus *de novo* on each alleged violation. To begin, when a democratic threat is identified, the alleged offenders would be requested to explain their actions before the Permanent Council. A full evaluation would follow, and possible responses could be chosen from a prescribed menu of appropriate options, involving not only the OAS, but also incentives and disincentives from multilateral institutions and the private sector. The responses provided for in the Rio Treaty could be considered as well. ■

Dr. McCoy is Associate Professor of Political Science at Georgia State University and Director of the Americas Program at The Carter Center. She is also a FOCAL board member. The article is based on a speech given at the "Democracy and Summits of the Americas" seminar, March 11, 2005, Argentina.

## Abstracts

### Conflict Prevention, Civil Society and International Organizations: The Difficult Path for Peace Building in Latin America and the Caribbean

*By Francine Jácome, Paz Milet and Andrés Serbin*

This paper identifies existing formal and ad hoc mechanisms developed to foster civil society participation in the prevention and resolution of conflicts in the Latin American and Caribbean (LAC). The study demonstrates that there is a lack of participation by civil society organizations (CSOs) in the LAC region as a result of three interrelated phenomenon. First, conflict prevention and peacebuilding strategies have developed primarily through state and military channels due to the emphasis on national security. Second, the concept of state-controlled conflict prevention is reinforced by civil society and its networks because the vast majority believe that conflict prevention is primarily the concern of the state. Thus, CSOs have not traditionally incorporated these issues into their agendas. Finally, participation of civil society in forming the conflict prevention agenda is further hindered by weak civil society networks, the lack of resources and the sometimes un-

representative (non-participatory) decision-making practices of CSOs. This paper argues that it is imperative to engage in capacity-building efforts that better prepare CSOs to deal with these issues. Moreover, it stresses that it is essential to implement strategies for the consolidation of alliances between CSOs and other institutions and organizations in the area of conflict prevention that will enable them to strengthen their efforts on the national, regional and hemispheric levels.

Available at: [http://www.focal.ca/pdf/conflict05\\_2.pdf](http://www.focal.ca/pdf/conflict05_2.pdf)

### Inter-American Institutions and Conflict Prevention

*By Stephen Baranyi*

This paper begins with a review of the evolving inter-American institutions and norms that deal with conflict prevention in the hemisphere. It examines four pillars of conflict prevention practices: inter-state dispute settlement, human rights protection, the defence and promotion of democracy, and structural prevention techniques. The review finds that while regional conflict prevention mechanisms have improved, there remain many weaknesses that need to be addressed. The paper suggests five aspects of inter-American relations that could be the focus of civil society organizations (CSOs) over the coming years: the OAS mechanisms for inter-state dispute settlement, the OAS defence of democracy regime, the early warning mechanisms of inter-American human rights machinery, the policies of the Inter-American development Bank, and other activities aimed at creating a coherent conflict prevention approach. CSOs are already making some progress toward building a culture of prevention in the Americas.

Available at: <http://www.focal.ca/pdf/conflict05.pdf>



## Civil Society Contributes to the Summit

FOCAL is very excited to announce a new way for civil society groups to make their voices heard across the hemisphere without even leaving the office!

Through new online forums, civil society groups will unite to influence the common direction of policy in the Americas by addressing fundamental issues. Titled *Virtual Deliberation: Creating a Shared Hemispheric Agenda*, the forums will be held April 4 to May 6 at <http://foroscumbres.redinter.org>.

The discussions will focus on eight key areas: Indigenous Peoples, transparency/anti-corruption, sustainable environmental development, peace building, citizen participation, democracy and political parties, education, and labor.

Results will be shared with government leaders from 34 countries across the Americas currently preparing for the upcoming IV Summit of the Americas.

All civil society organizations are encouraged to register and participate. The discussion will be conducted in Spanish, but written submissions in English will also be accepted. Weekly summaries will be provided in both languages. Log on and have your say!

The Canadian Foundation for the Americas (FOCAL) is an independent policy institute based in Ottawa that fosters informed analysis and debate and dialogue on social political and economic issues facing the Americas. We support a greater understanding of these issues in Canada and throughout the region. FOCAL was founded in 1990 and has a full time staff of 12 people. The Board of Directors provides a strategic guidance to the organization and its activities.

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