



SUMMIT IMPLEMENTATION REVIEW GROUP (SIRG)
First Regular Meeting of 2021
June 16–17, 2021
Virtual

OEA/Ser.E
GRIC/O.1/doc.56/21rev.1
21 June 2021
Original: Spanish

CISC-CAJP Special Joint Meeting
**“Democratic Resilience, the Role of the Inter-American Democratic Charter,
and the Summits Process”**

Washington, D.C., May 4, 2021

Possible actions to strengthen the Inter-American Democratic Charter

Since its adoption by the member states of the Organization of American States (OAS) twenty years ago, the Inter-American Democratic Charter has been the main instrument for the promotion and defense of democracy in the Hemisphere. Its adoption also consolidated several previous attempts to collectively protect democracy in the Hemisphere. During the twenty years that the Inter-American Democratic Charter has been in existence, democracy has progressed substantially in the region, including, in most countries, the holding of regular elections, an increase in the political participation of women, and citizens who are more active and mobilized in the protection of their rights. Despite these advances, however, structural challenges persist, such as poverty, inequality, corruption, organized crime, and the lack of fundamental freedoms. Added to the impact of the COVID-19 pandemic, these have led to a gradual deterioration of essential aspects of democratic resilience, setting new challenges for the region that have implications for the democratic system.

The Special Joint Meeting between the Committee on Inter-American Summits Management and Civil Society Participation in OAS Activities (CISC) and the Committee on Juridical and Political Affairs (CAJP) of the OAS Permanent Council was held on May 4, 2021, in coordination with the Summits of the Americas Secretariat.ⁱ As explained in the joint meeting’s Concept Paper, the meeting also leveraged previous meetings in pursuit of the mandate of “sharing possible recommendations for consideration with the Summit Implementation Review Group (SIRG) in advance of the Ninth Summit of the Americas.”ⁱⁱⁱ

The event brought together the member states and leading experts from across the region to exchange views on current challenges and best practices in the area of democratic resilience, in keeping with resolutions adopted at the most recent OAS General Assembly.ⁱⁱⁱ The meeting also provided the member states with an opportunity to share outlooks, experiences, and innovative ideas on strengthening democratic governance within the framework of the Summits of the Americas Process, regional responses to the COVID-19 pandemic, and the twentieth anniversary of the adoption of the Inter-American Democratic Charter.

The joint meeting consisted of two thematic panels, the first moderated by Mr. Bradley Freden, Acting Permanent Representative of the United States to the OAS and Chair of the CISC, and the second by Ambassador Josué Fiallo, Permanent Representative of the Dominican Republic to the OAS and Chair of the CAJP. The participants in the first panel session, *Results of the Summits Process in*

Democracy and the Road to the Ninth Summit, were Ambassador James Lambert, OAS Secretary for Hemispheric Affairs; Ms. Delia Ferreira, Chair of Transparency International; Mr. Rubén Perina, international consultant and former professor at George Washington University and Georgetown University; Ms. Catalina Botero, former Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights at the OAS; Mr. Enrique de Obarrio, General Coordinator of the Latin American and Caribbean Network for Democracy; and Ms. Jennie K. Lincoln, Director of The Carter Center's Latin America and Caribbean Program.

The participants on the second panel, *Strengthening Democratic Resilience in the Hemisphere*, were Mr. Francisco Guerrero, OAS Secretary for Strengthening Democracy; Ms. Laura Chinchilla, former President of Costa Rica, Vice-President of the Club de Madrid, and Co-Chair of the Inter-American Dialogue; Mr. Kevin Casas Zamora, Secretary General of International IDEA and Senior Research Fellow (non-resident) of the Peter D. Bell Rule of Law Program at the Inter-American Dialogue; Ms. Miriam Kornblith, Senior Director for Latin America and the Caribbean at the National Endowment for Democracy; and Mr. Diego García-Sayán, member of the Group of Friends of the Inter-American Democratic Charter, United Nations Special Rapporteur on the Independence of Judges and Lawyers, and former President of the Inter-American Court of Human Rights.

The exchange between the member states and experts was notable, among other reasons, for the number of comments and recommendations intended to strengthen the role of the region's existing democratic mechanisms, including the Summits of the Americas and such key inter-American instruments as the Inter-American Democratic Charter, particularly as regards its preventive and restorative functions, in the search for coordinated solutions to strengthen democratic governance and the rule of law and to address challenges in emergency situations, leading to effective democratic resilience.

The following sections record various ideas and reflections that were expressed at the meeting. The meeting was not intended to build consensus among the speakers and member states, nor did it seek to prioritize or develop a plan of action for the renewal of the Inter-American Democratic Charter. The information presented below sets out concepts and ideas expressed at the meeting that could inform deliberations in preparing for the Ninth Summit of the Americas. None of the comments made raised the possibility of reopening or changing the Democratic Charter, and some expressly rejected that possibility. The proposed ideas and initiatives were focused on achieving the Charter's full implementation or on enforcing it in a more coherent and consistent manner based on clear, previously established criteria.

Considerations for strengthening the Inter-American Democratic Charter

Some of the speakers said that in order to achieve concrete results, it would be useful for the Ninth Summit of the Americas to adopt a Plan of Action aimed at strengthening the implementation and enforcement of the Inter-American Democratic Charter over the next decade and identifying better ways to apply its principles to support the democracies of the Americas in light of the risks of democratic recession in the region.

Strengthening the Inter-American Democratic Charter's restorative role and powers (Articles 17 to 22)

- a. In order to identify the intrinsic limitations and weaknesses of the Democratic Charter's restorative dimension, it would be useful to conduct an exhaustive study of the cases experienced over the 20 years it has been in force and, in connection with this, to entrust the OAS's Inter-American Juridical Committee with carrying out a study to establish parameters for the systematization and definition of what events constitute alterations to the democratic order, recognizing that the definition must be sufficiently flexible to accommodate new challenges and threats.
- b. Based on the definitions reached, one option would be to create independent councils to advise the OAS Permanent Council in preparing analyses of the Hemisphere's political crises so that the Democratic Charter can be applied, when appropriate, in a more consistent and coherent manner (this could also serve as the basis for establishing an early warning system).
- c. Recognizing the persistent problem of situations in which the government of a country in crisis does not allow a visit by the Secretary General or the Inter-American Commission on Human Rights (IACHR), institutionalize the creation of working groups within the Permanent Council. These working groups would invite affected stakeholders to OAS headquarters to hear their views on the crisis and facilitate negotiations to establish democratic order.

Strengthening the Inter-American Democratic Charter's preventive role and powers (Articles 1 to 16 and 23 to 28)

The preventive dimension and expectations set out in the Inter-American Democratic Charter are largely long-term propositions and involve investing in the member states' capacity for democratic governance. For these reasons, and in the absence of the political pressures that accompany the restorative function, the preventive dimension has in many cases been given less importance than incipient crises.

In light of this, several speakers insisted on promoting the Inter-American Democratic Charter's preventive role and powers to mitigate the erosion of democratic practice, through medium- and long-term measures aimed at:

- a. Promoting a better understanding of the Inter-American Democratic Charter and its effective enforcement, through courses and seminars that explain its progress, functions, scope, and limitations, with the support of academic and diplomatic institutions.
- b. Developing a unified agenda focused on improving democratic governance and exploring new ways to promote democracy in the region, through actions targeting:
 - The adoption of a declaration of support for the inter-American human rights system, in particular the Special Rapporteurship for Freedom of Expression, the Inter-American Commission on Human Rights (IACHR), and the Inter-American Court of Human Rights.
 - The enforcement of international instruments within domestic legal systems, in areas such as the balance of powers and the independence of branches of government.
 - Dialogue on the member states' international commitments regarding democracy, which is consistent with pending OAS General Assembly

mandates on the effective implementation of the Inter-American Democratic Charter.

- c. On the basis of OAS technical cooperation programs, securing the funding necessary to carry out institutional strengthening programs within different branches of government, with an emphasis on improving public-sector transparency and accountability (Article 4) and educational programs that promote democracy more broadly in keeping with Article 27 of the Inter-American Democratic Charter.^{1/} To achieve this, financial support should be provided to such regional mechanisms as the Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC) and the Network of e-Government Leaders of Latin America and the Caribbean (REDGEALC).
- d. Advancing the protection of judicial independence by strengthening the capacity of constitutional courts to limit the enforcement of emergency powers that have been invoked by governments during the pandemic.
- e. Strengthening the Secretariat for Legal Affairs (SLA) in the development of an agenda focused on the protection of judicial independence.
- f. Protecting the ability of the Americas to hold free and fair elections during the pandemic by strengthening Electoral Observation Missions, particularly through increased financial support to the OAS Department of Electoral Cooperation and Observation to continue the deployment of missions and strengthen electoral institutions in all the region's countries.
- g. Designing complementary instruments aimed at strengthening the rule of law and improving democratic governance through the establishment of a permanent OAS working group and/or rapporteurships within the General Secretariat. These groups should be made up of diplomats and experts, who will provide support to the OAS Permanent Council.

Participation and dialogue with civil society and social actors

Consider the contributions and participation of civil society and social actors in the preparation and implementation of the hemispheric agenda and government processes.

Create forums for dialogue among member states, civil society, social actors, and the OAS to strengthen democratic practices, human rights, and fundamental freedoms.

1. *“The objectives of the programs and activities will be to promote good governance, sound administration, democratic values, and the strengthening of political institutions and civil society organizations. Special attention shall be given to the development of programs and activities for the education of children and youth as a means of ensuring the continuance of democratic values, including liberty and social justice.”*

CONCLUSION

To conclude, the interventions indicated the following general conclusions:

Democracy remains the political system best suited to addressing the recession of democracy that the region is currently facing and that has been exacerbated by the COVID-19 pandemic. Because of that threat, adjustments and improvements are needed, especially to measures designed to defend democratic values and citizens' human rights and fundamental freedoms.

This context requires that the governments of the Americas, in collaboration with international organizations, civil society, and other social actors, work together to create and implement coordinated solutions to promote democracy, including strengthening the enforcement of the Inter-American Democratic Charter.

The Ninth Summit of the Americas offers a prime venue for promoting such solutions, through cooperation and solidarity, and through the design of a plan of action aimed at strengthening the implementation and enforcement of the Inter-American Democratic Charter over the next decade. This undertaking could begin during the preparatory phase for the next Summit to provide the leaders with options for consideration or a road map.

A video recording of the meeting may be found [here](#).

i The agenda of the Joint Special Meeting on “Democratic Resilience, the Role of the Inter-American Democratic Charter, and the Summits Process” (document CP/CISC-994/21 add. 1 rev. 3) is available at http://scm.oas.org/doc_public/ENGLISH/HIST_21/CP43957E03.docx.

ii The Concept Paper of the Joint Special Meeting on “Democratic Resilience, the Role of the Inter-American Democratic Charter, and the Summits Process” (document CP/CSH-994/21 rev. 1) is available at http://scm.oas.org/doc_public/ENGLISH/HIST_21/CP43727E03.docx.

iii Pursuant to operative paragraph 4 of Resolution AG/RES. 2948 (L-O/20), “Support for and Follow-up to the Summits of the Americas Process” (adopted on October 20, 2020): *To request the CISC collaborate with the Committee on Juridical and Political Affairs (CAJP) to help organize, in coordination with the Summit of the Americas Secretariat, a special joint session during the first quarter of 2021 on “Democratic Resiliency, the Role of the Inter-American Democratic Charter, and the Summits Process,” with a goal of sharing possible recommendations for consideration with the Summit Implementation Review Group (SIRG) in advance of the Ninth Summit of the Americas;* and to operative paragraph 5, section (v), “Follow-up on the Inter-American Democratic Charter,” of resolution AG/RES. 2958 (L-O/20), “Strengthening Democracy”: *To request the CAJP collaborate with the CISC to help organize, in coordination with the Summit of the Americas Secretariat, a special joint session during the first quarter of 2021 on “Democratic Resiliency, the Role of the Inter-American Democratic Charter, and the Summits Process,” with a goal of sharing possible recommendations for consideration with the Summit Implementation Review Group (SIRG) in advance of the Ninth Summit of the Americas.*