



The Role of the Organization of American States in Promoting Democracy

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Acronyms

ALBA	Bolivarian Alliance for the Peoples of Our Americas (<i>Alianza Bolivariana para los Pueblos de Nuestra América</i>)
CAN	Andean Community (<i>Comunidad Andina de Naciones</i>)
CELAC	Community of Latin American and Caribbean States
EU	European Union
IADC	Inter-American Democratic Charter
MERCOSUR	Common Market of South America (<i>Mercado Común de América del Sur</i>)
OAS	Organization of American States
UNASUR	Union of South American Nations
UNDP	United National Development Programme

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Introduction

The General Assembly of the Organization of American States (OAS) has always supported democracy. In 1991, Resolution 1080 bounded the Permanent Council and secretary general to take action in the event of a ‘sudden or irregular interruption of the democratic political institutional process or of the legitimate exercise of power by the democratically elected government of any of the OAS member states’ (OAS 1991). In addition, the Washington Protocol (OAS 1992) modified the original OAS charter, introducing new articles restricting members’ participation in the General Assembly, the Meeting of Consultation, and the Councils of the Organization and the Specialized Conferences, as well as in commissions, working groups and any other bodies if they have been overthrown by force. Along with the Québec Summit—which introduced a Plan of Action for the Americas around fostering democracy, creating prosperity and realizing human potential—the organization had a new mandate for strengthening democracy across the region.

The 2001 Inter-American Democratic Charter (IADC) was the culmination of a series of efforts to consolidate democracy, and the result of responses and sanctions to address institutional breakdowns in the Americas. Its key feature is the ability to apply sanctions on states that violate democratic norms. In this sense, the IADC—like every democracy clause—is a provision (or set of provisions) in an international instrument that subjects the admission, participation or permanence in certain organizations, and/or the maintenance of diplomatic, economic or cooperation relations among signatory parties, to the obligation that each state has a democratic system of government in place (El-Hage 2010, p. 1).

The charter preserves essential elements of representative democracy, along with economic, social and cultural rights in the Americas (Arceneaux and Pion-Berlin 2007; Rico 2012; Santistevan de Noriega 2012). It also introduces two important aspects: a political propaganda for democracy and a mechanism for its collective defense (Sample and Mariani 2012, p. 120).

This paper proceeds as follows. The first section provides a brief note on the state of democracy in the region and an analysis of what constitutes an application of the democracy clause. The second part examines the limitations of its implementation while presenting two case studies of OAS interventions during democratic breakdowns. The final part critically assesses the role of the organization as a gatekeeper of democracy and constitutional order in the Americas, and offers preventive and corrective policy recommendations for an established criteria and swift responses to threats to democracy.

Background on the state of democracy in the Americas

For the first time, an entire developing region with profoundly unequal societies is organized politically under democratic governments (UNDP 2004, p. 39). Currently, most OAS member states meet the minimum standards for electoral democracy and are thus considered formal democracies. For instance, only two out of 38 elections conducted from 1996 to 2002 were considered irregular (UNDP 2004, p. 81). At the same time, democracy indicators such as Freedom House reveal that OAS members slightly improved their average rating from 2.2 to 2.5 (1 = free, 7 = not free) (Freedom House 2005). Again, countries differ across the region: while Bolivia, Colombia, Ecuador, Paraguay, Peru, Venezuela and Brazil have scored 3 or above at some point since 1990, while other Central American countries such as El Salvador, Guatemala, Honduras and Nicaragua never scored below 3.09 during this period (Arceneaux and Pion-Berlin 2007, pp. 2–3).

The issue of democracy has been a controversial and much-disputed subject in the hemisphere. Indeed, there is a lack of consensus over the very meaning of democracy (McCoy 2012). There are as many concepts of democracy as there are threats to it. Democracy is a continuous search characterized by a lack of fulfilment and completion (Rosanvallon 2004). Guillermo O'Donnell (1993) coined the term 'low-intensity citizenship' to refer to regimes in which law enforcement and state institutions were applied irregularly—and which constituted a formal democracy without being one in practice. Individuals are then mere voters rather than citizens. Some governments emphasize representative democracy and individual freedoms, while others prioritize participation, social inclusion and collective rights. The latter is the case for the Bolivarian Alliance for the Peoples of Our Americasⁱ (*Alianza Bolivariana para los Pueblos de Nuestra América*, ALBA), which disputes the legitimacy of representative democracy contained in the IADC in favour of a more social and participative form of democracy.



High levels of economic growth in the region have not corresponded to substantial progress in combating inequality and poverty. Latin America and the Caribbean have a Gini coefficientⁱⁱ of 0.53, which was 18 per cent more unequal than Sub-Saharan Africa and 65 per cent more unequal than the high-income countries. Overall, high inequality in the region is the result of state capture by elites, inequality of opportunities (e.g., access to the labour market and good-quality education), capital market imperfections, and discrimination against women and indigenous populations (López-Calva and Lustig 2010, p. 2).

In this context, free and fair elections alone are insufficient to constitute integral democracy: greater social inclusion is also imperative. Dahl's (1971) notion of 'procedural minimum' is not enough. As mentioned earlier, poverty and inequality are also damaging to the consolidation of democracy. The UN Development Programme's (UNDP) 2004 report on democracy in Latin America has a similar approach to the IADC on integral citizenship—it is a full recognition of political, social and civil citizenship. Article 11 notes that 'democracy and social and economic development are interdependent and are mutually reinforcing' (IADC 2001). It is worth pointing out that levels of poverty and inequality in Latin America (and in the United States) are high. In fact, the United States has one of the highest Gini coefficients of the most developed countries (OECD 2013). Even in well-established and older democracies, there is a lack of interest in the often-small moves made to erode democracy. This is partly due to their lack of immediate impact on citizens' daily lives, and their belief that they are powerless to counter such actions (Sampford and Palmer 2002, p. 42). The daily struggle to survive—or the 'politics of the belly'—precludes an interest in politics altogether.

When is the IADC applied?

The notion of democracy contained in the IADC has presented some problems in terms of its application (Cooper and Legler 2007; Ramis 2010; Cameron 2012). The 'unconstitutional interruption of the democratic order or an unconstitutional alteration of the constitutional regime' to which article 20 of the IADC refers is still a troublesome issue that results in the irregular application of the IADC. The democracy clause may be invoked in the following events: (1) the forcible overthrow of democratically elected government (e.g., *coup d'état*), (2) interruptions of the democratic order (e.g., auto-coups and impeachment coups) and (3) the erosion of the democratic order (e.g., creeping coups in Nicaragua in 2005 and Venezuela in 2009). Each of these events is discussed in further detail below.

Forcible overthrow of a democratically elected government

This is the most clear and agreed cause for the application of the IADC. Traditional coups occur when ‘one part of the state is taken over using force or the threat of force’ (Sampford and Palmer 2005, p. 2). Although the military is the usual suspect, it is not always the case. A *coup d’état*ⁱⁱⁱ usually involves five concurrent elements: (1) the victim of the coup is the president or other civil authority with full control of executive power, (2) the perpetrator of the coup has used violence or coercion to remove the victim from his post, (3) the involvement of military forces is not necessary, (4) the action(s) that constitute the coup are abrupt or sudden and rapid, and (5) the action occurs in clear violation of the constitutional procedure to remove the president or chief executive (El-Hage 2010, p. 46).

Coups also require a sufficient number of individuals in key positions who are passive or compliant—and secrecy—in order to succeed without alerting other actors (Sampford and Palmer 2005, p. 6). For instance, the 1992 failed counter-coup in Peru did not have enough public support and was frustrated by other factions within the military forces (Carrion 2006, p. 347). Coups also include situations in which the next person in the constitutional line of succession takes power, as in Ecuador in 2000 when president Jamil Mahuad was replaced by his vice president, or if the deposed leader violates the constitution, as in Honduras in 2009 (Cameron 2012, p. 61).

As will be analysed in the following section, in April 2002 a coup ousted President Hugo Chávez. Amid heavy polarization in Venezuela, then-OAS Secretary General César Gaviria convened a special session of the Permanent Council and applied the IADC after careful consideration (Cooper and Legler 2005, p. 426).

Interruptions of the democratic order

There are other types of causes for applying the IADC. On the one hand, in *coup d’état*-like situations, presidents override democratic institutions—including the forcible dismissal of a democratically elected legislature and/or members of the judiciary branch. On the other hand, an ‘impeachment coup’ refers to the removal of a democratically elected president while disregarding constitutional procedures for removal and succession. A typology of *coup d’état*-like situations may involve the closure of a democratically elected Congress, the dismissal of supreme and constitutional courts, suspension of the constitution and presidential rule by decree (El-Hage 2010, p. 8).

For instance, Alberto Fujimori—the democratically elected president of Peru—carried out a presidential coup (or self-coup) in April 1992. He shut down both chambers of Congress, suspended the constitution, purged the judiciary branch and imposed press censorship. He agreed to hold Constituent Assembly elections less than a year later due to pressure from the international community. The OAS invoked Resolution 1080 to fully restore democratic order in Peru, overcoming this institutional breakdown was a challenge. Most of the anti-democratic practices were related to the traditional model of military-led coups (pre-third wave of democratization) as mentioned previously.

Erosion of the democratic order

Other threats to democracy are more gradual, sustained and systematic. Unlike the previous categories, they do not occur abruptly. It is therefore more complicated to take action over these events. For instance, in November 2006 President Evo Morales of Bolivia proposed a series of legislative acts in the opposition-led Senate. He appointed substitute senators and passed legislation, while opposition senators were prevented from entering Congress (El-Hage 2010). These kinds of actions continued until 2009. A prolongation of potential and imminent threats to democracy should alert member states to the use of the IADC, given the pervasive effects of these actions on the constitutional order.

Situations that qualify as erosion of democracy include the use of public office to harass dissenting groups, implement a single party and restrict human rights; the illegal and arbitrary appointment or removal of elected authorities or members of the judiciary branch; and the failure to hold periodic and transparent elections and respect electoral outcomes.

Challenges of applying the IADC

There is a problem of defining the events that must motivate the application of the democracy clause. For example, the OAS effectively intervened in the *coup d'état* in Honduras in 2009. This episode was explicitly contained in the IADC. However, classic *coups d'état* are rare in the Americas today. Since the third wave of democratization,^{iv} threats to democracy come from elected leaders who undermine the constitutional order from within (e.g., constitutional crises in Ecuador and Bolivia in the 2000s) or a gradual process of democratic weakening (e.g., Nicaragua in 2010).

David Scott Palmer found that 38 per cent of changes of government in the 37 countries in Latin America from 1930–80 were by military coup (1996, p. 258). Nowadays, democratic failures take new forms. Coups and self-coups are less frequent in the region, and election failures and constitutional crises are now far more common and dangerous to the democratic order.

As Table 1 shows, there have been several threats to democracy in the Americas in the last 25 years. In fact, there were more crises (17 in total) after the IADC than before its ratification (14). To develop this point further, the reduction in traditional coups is evident: six from 1990–2000 and four from 2001–12. In the same way, there have not been any self-coups during this period, and election failures have maintained the same tendency. Table 1 reveals that the most common source of the erosion of democracy is constitutional crises: there have been nine since the implementation of the IADC. However, the democracy clause has only been applied twice since its adoption (Venezuela in 2002 and Honduras in 2009).



Table 1. Democratic crises before and after the IADC

	Coup	Self-coup	Election failure	Constitutional crisis
Resolution 1080	Suriname 1990–91	Peru 1992	Dominican Republic 1994	Ecuador 1997
	Haiti 1991–94	Guatemala 1993	Haiti 1995	Venezuela 1999
	Venezuela 1992		Peru 2000	
	Paraguay 1996		Haiti 2001	
	Paraguay 2000			
	Ecuador 2000			
IADC	Venezuela 2002		Trinidad and Tobago 2001	Argentina 2001–02
	Ecuador 2005		Venezuela 2004	Trinidad and Tobago 2001
	Honduras 2009		Nicaragua 2008	Haiti 2001–04
	Paraguay 2012*		Haiti 2010–11	Bolivia 2003–05
	(parliamentary coup)			Ecuador 2004–05
				Nicaragua 2005
				Bolivia 2006–07
				Ecuador 2007
				Paraguay 2009

Adapted from Shaw 2013; Arceneaux and Pion-Berlin 2007; OAS and UNDP 2011; Rico 2012; McCoy 2012.

The present situation raises important considerations regarding the preservation of democracy in the Americas. Although the charter redefines democracy and introduces mechanisms for its defence, it also presents a series of limitations for its application. The main caveat is the existence of

diverse models of democracy in the region, and disagreement regarding what constitutes an interruption of the democratic order (Cameron 2012, p. 59).

For a long time, the first and foremost concern of the IADC was protecting democratically elected presidents from coups. But the evidence suggests that the charter is also needed where the executive power is responsible for violating the constitutional order. The lack of a broad definition results in grey areas that limit the scope of the IADC. In the case of Venezuela in 2009, despite being an elected president, Hugo Chávez tried to concentrate more power in his office, while removing resources and power from opposition mayors and governors. This kind of erosion is not a coup or coup-like *per se*, but it did constitute a violation of the democratic order.⁷

Though the charter has provided a solid instrument to protect the democratic order, there are issues to be addressed. An Inter-American Dialogue document from 2006 indicates that the three fundamental criticisms of the IADC are:

- absence of indications ‘as to how the democratic process in member countries should be monitored’ (IADC 2003, p. 3);
- ‘vagueness’ and a lack of ‘precision’ in the terms used in Chapter 4 ‘for defining when and to what extent a country’s democratic institutions have been altered’ (ibid., p. 11); and
- ‘problems of access for those seeking to avail themselves of the IADC’s mechanisms’ (ibid., p. 11).

Critics of the IADC claim that it protects presidents from non-democratic attacks but fails to hold governments responsible for violating the constitutional order—which are the most common threats to democracy at the moment. As past events have demonstrated, the international response has been inconsistent. For instance, when President Zelaya was ousted in Honduras in 2009, the coup was promptly suspended on the grounds that the IADC had been violated. At the same time, three democratically elected authorities in Venezuela—Antonio Ledezma (mayor of Caracas), Pablo Pérez (mayor of Zulia) and César Pérez Vivas (mayor of Tachira)—were deprived of exercising their power because they belonged to the opposition. Although stripping power from local authorities is an erosion of democracy, it was somewhat less clear how to proceed in these cases.

For some scholars, the façade of constitutional engineering, rather than the quality of democratic institutions, seems enough for the OAS (Arcenaux and Pion-Berlin 2007; Ramis 2010). The related literature also discusses other restrictions such as the inability of the OAS to act preventively instead of



reactively, the lack of consensus regarding the meaning of democracy (Rico 2012), and difficulties in evaluating intragovernmental disputes and crises emanating from non-state actors (McCoy 2012).

Case studies: Peru 2000 and Venezuela 2002

This section provides a comparative analysis of dialogue roundtables (*mesas*) in Peru in 2000 (pre-IADC) and Venezuela 2002 (post-IADC). Analysing both *mesas* presents variables of success for OAS missions when dealing with democratic breakdowns. As Table 2 shows, there are differences and similarities that determine the commitment and sustainability of outcomes in both cases.

The Peruvian case is a symbolic case because a year after the mission, the IADC was signed in Lima on the same day as the 11 September 2001 terrorist attacks in the United States. It was the last participation of the OAS under Resolution 1080. In contrast, the Venezuelan experience was the first case of IADC application in a clear overthrow of power through a *coup d'état*.

Peru 2000

In April 2000, a general election was held in Peru amid controversies regarding Alberto Fujimori's third term in office and evidence of electoral fraud. Before the elections, the 1993 constitution was modified in order to allow re-election, and members of the Constitutional Court were illegally removed. Moreover, there was a lack of media access for opposition candidates, along with a pro-government media bias and accusations of falsifying signatures to qualify one of the parties in Fujimori's electoral group Peru 2000 (National Democratic Institute and Carter Center 2011; Cooper and Legler 2005).

The incumbent (Fujimori) and the opposition candidate (Alejandro Toledo) obtained 49.9 and 40.2 per cent of the vote, respectively, in the first round of the election. However, delays in vote tabulation—and the finding that over 30 per cent of the ballots were invalid—cast doubts on the transparency and legitimacy of the election. Toledo called for a boycott, and ultimately Fujimori won the second round.

The OAS sent a high-level mission two months later. Although the IADC was not yet introduced, procuring dialogue and strengthening regional democracy was stressed in Resolution 1080 (OAS 1991). This *mesa* was an important precedent of the charter, as it changed the dynamics of OAS decision making

from consensus to *ad hoc* rapid responses to crises. Overall, the roundtable aimed to fill the institutional vacuum created by the polarization of political forces in Peru (Cooper and Legler 2005, p. 427).

The dialogue was facilitated by a former foreign minister from the Dominican Republic, Eduardo Latorre, and supported by a small OAS secretariat, with 18 representatives from the cabinet of ministries, members of the incumbent party and opposition members, along with civil society activists. Toledo did not participate in the process, focusing instead on public demonstrations. Unlike the mission in Venezuela, the *mesa* lacked the representation of local authorities, opposition candidate Alejandro Toledo and the main representatives from the Fujimori Government.

In addition, a number of civil society organizations such as the Asociación Civil Transparencia (an electoral watchdog non-governmental organization), the Lawyers Bar Association and the Peruvian ombudsman made public statements, and along with opposition groups, pleaded for Peru's return to the Inter-American Court for Human Rights, the restoration of Peru's Constitutional Tribunal, the return of control over television channels to their rightful owners and the departure of presidential intelligence advisor Vladimiro Montesinos from Peruvian politics (National Democratic Institute and Carter Center 2000, p. 31).

In July 2000, Fujimori was sworn in for his third term, and Toledo led a huge pro-democratic rally. In September 2000, a video was aired on national television showing Vladimiro Montesinos bribing an opposition congressman, which ignited a political breakdown that resulted in the dissolution of the National Intelligence Service (responsible for human rights violations and illegal tapping), a call for new elections in 2001 and Fujimori's resignation via fax from Japan.

Regarding the outcomes of the *mesa*, as Table 2 reveals, the facilitator had a low profile (in contrast to Gaviria's role in Venezuela during the 2002 mission described below), although the roundtable served as a buffer for military coups or other non-democratic alternatives, despite the opposition's reservations.

This kind of initiative is usually regarded with some scepticism. The opposition was reluctant to participate, fearing another five-year term of Fujimori. For Fujimori, there was no other option to participate, given the loss of legitimacy of his government. As the events leading to the government's downfall unfolded, the *mesa* represented a fallback option despite the opposition's suspicions.

After consultations with *mesa* members and representatives from the government, political parties and civil society, the mission agreed on a comprehensive document that included judicial reforms, congressional oversight and the fight against corruption, civilian control over intelligence service and the military, and professionalization of the armed forces. It also served as a stepping stone for the *Acuerdo Nacional* (National Agreement), which was the first effort Peru's history to converge social and political forces from different sectors into a 20-year plan. Nonetheless, challenges remain in terms of monitoring, implementation and follow-up.

Venezuela 2002

On 11 April 2002, there was a *coup d'état* in Venezuela that removed Hugo Chávez from office for almost two days. The crisis started in 2001 with a national strike and heavy political and social polarization, and ended in early 2003. While some Latin American countries condemned the coup (Mexico, Peru, Paraguay and Argentina), most of the OAS did not sympathize with Chávez's regime, especially the United States (Ramis 2010, p. 32). Nevertheless, the IADC was invoked for the first time to uphold the elected president and restore the government.

Although Gaviria intended to replicate the Peruvian model in Venezuela, the presence of the fugitive Vladimiro Montesinos complicated relations with Peru and discouraged the Chávez government from adopting a Peruvian *mesa* model (Cooper and Legler 2005, p. 430).

The main objective of the Venezuelan mission (which began in 2001) was to secure a negotiation process to overcome the crisis. As Table 2 shows, there were 12 members (six from Chávez's party and six from the *Coordinadora Democrática*, which gathered members of the opposition). Unlike the Peruvian roundtable, there were no representatives from civil society organizations, primarily because most of them were already involved in politics. Both mesas had heavy presidential imprint, but in the Venezuelan case, Chávez had the last word in every decision taken by the roundtable.

The OAS worked hard to build good relations with the Chávez government; he mistrusted the OAS and believed it was acting as an agent of the United States (Ramis 2010, p. 35). He threatened to leave once the polarization escalated, but efforts from the members of the mesa, especially a group called the Friend of the OAS Secretary General—formed by Brazil, Mexico, Spain, Portugal, the United States and Chile—managed to mediate an electoral solution. Thus the Venezuelan *mesa* accomplished important results.

For instance, the Declaration of Principles for Peace and Democracy in Venezuela resulted in a consensus-based recall referendum according to article 72 of the Venezuelan constitution, which permitted the revocation of all popularly elected officials' and magistrates' terms of office in the middle of their term with the support of at least 20 per cent of registered voters. The *mesa* did not provide a novel outcome, but rather affirmed a constitutional option that had always existed (Cooper and Legler 2006). OAS Secretary General Gaviria managed to get the government and opposition to sign the Declaration against Violence and for Peace and Democracy in May 2003 (Venezuela Democrática 2003). As in the Peruvian case, the agreement provided grounds for international follow-up, oversight and technical assistance, including a Liaison Commission.

Once the opposition members realized that the only way forward was through constitutional procedure, the *mesa* reached a consensus. The National Electoral Council would be in charge of the referendum, assisted by the OAS and the Carter Center (Ramis 2010, p. 37). The referendum took place on 15 August 2004 and Chávez won with 59 per cent of the votes. It was a clean election according to international observers, despite the opposition's rejection of the National Electoral Council's results and fraud allegations and public protests against Chávez (Arcenaux and Pion-Berlin 2007; Cooper and Legler 2006; Ramis 2010). The electoral outcome resulted in the consolidation of Chávez' power via a constitutional referendum, yet the country remains polarized.

The *mesa* also had important partners that brought a tripartite element to the mission. Along with OAS facilitation, it had logistical support from the UNDP and advisory services and mediation from the Carter Center. At first, Chávez looked for a tripartite mission but with the intention of hindering its efficacy. However, Chávez and Jimmy Carter's relationship was excellent, which eventually facilitated the process (Cooper and Legler 2005, p. 403). Moreover, the Venezuelan *mesa* had fewer members than the Peruvian roundtable (12 rather than 18), but they were more representative of all the political forces and national and local governments.

**Table 2. OAS roundtables in Peru and Venezuela**

	Peru 2000	Venezuela 2002
Name	Mesa de Diálogo	Mesa de Negociación y Acuerdos
OAS facilitator	Former minister	Secretary general
Composition	OAS facilitator and small secretariat	Tripartite mission (OAS, Carter Center and UNDP)
Profile of facilitator	Low profile	High profile
Members	18	12
Mesa members	Government ministers, pro-government and opposition members of Congress	Government ministers, pro-government and opposition members of Congress, state governors
Outside actors	Civil society representatives	Most civil society representatives were involved in politics
Other characteristics		Veto power by President Chávez
Achievements	Comprehensive document including five areas of reform: judicial and rule of law, freedom of expression and press, electoral reform, congressional oversight, combating corruption and civil control over the military	Declaration of Principles for Peace and Democracy in Venezuela

Adapted from Cooper and Legler 2005; Ramis 2010; NDI and Carter Center 2000.

However, contingency in these two OAS missions resulted in significant differences in their results and composition. For instance, the choice of the dialogue facilitator, along with the degree of involvement of domestic actors (e.g., presidents, ministers) proved key to ensuring sustainable change. In Peru, opposition parties were reluctant to participate in the roundtable. To the contrary, the Venezuelan roundtable included representation of ‘nineteen

political parties and seventy-nine civil society organizations.’(Cooper and Legler 2005 p. 432). This process reinforced the dialogue (and thus, political stability). In the Peruvian case, many actors disregarded the OAS mission on the grounds of a lack of efficacy and resources.

One of the main criticisms of the OAS missions is the perception that they represented an official discourse, given that they were mainly comprised of members of the executive branch. Including other state and non-state actors is recommended in order to overcome the lack of plurality of voices within the dialogue process. To illustrate this point, Latin American countries are considered to be constitutionally powerful but institutionally weak. At the same time, business executives consider legislatures to be ineffective, and the level of citizen support for parliaments is low (Carrillo-Flórez and Petri 2009, p. 8). Consequently, missions with a majority of members from state actors (especially the executive branch) cannot help but achieve a consensus and prevent the escalation of conflict. For instance, during the 2002 Venezuelan crisis, agreement on a referendum from all actors involved in the roundtable was possible because the *mesa* was comprised of both state and non-state actors from the central and local governments, and from the opposition and Chávez’ party.

Laurence Whitehead (2001) identified three models of intervention in the Americas: (1) incorporation, (2) invasion and (3) intimidation. The OAS missions in Peru (2000) and Venezuela (2002) introduced a new model: intervention without intervening. Unlike other forms of intervention, the *mesa* process used in many OAS missions helped facilitate and sustain dialogue among elites and dissent groups, and minimized political violence and left key decision making to domestic political actors (Cooper and Legler 2005, p. 429). This ‘intervention without intervening’ involves enabling dialogue, while respecting domestic political forces and idiosyncrasies. Domestic responses to coups and erosion of the democratic order should be the first line of defense. For Sampford and Palmer (2005), a political struggle between forces within a national context is more likely to be solved via the reinforcement—not the weakening—of their national institutions and decisions. As they put it, ‘the overthrow of a democratic regime is, first and foremost, an affront to the laws and institutions chosen by the people under that regime’ (ibid., p. 2). Given the ideological and political differences between member states, and the pre-eminent role that the secretary general or superpowers within the OAS have played in the past, this new type of intervention prevents conflict by bringing all political forces into dialogue while achieving consensus.



Policy recommendations

Though this paper has shown that the OAS plays a major role in preserving democracy, it is important to consider the notion of ownership and contingency regarding the IADC. As mentioned earlier, there are no clear-cut definitions or frameworks to indicate when the OAS should implement the IADC. While some cases are evident violations of the democratic order (e.g., coups), others remain in doubt pending further investigation (e.g., press and media censorship). Therefore implementing protocols that govern OAS responses to anti-democratic practices would enhance the results of OAS missions. This section puts forward policy recommendations that take into account best practices, lessons learned, exchange of information and horizontal cooperation, in compliance with articles 11–16 of the IADC.

Punitive actions

The need for dissuasive means of coercion to help restore democracy in the Americas has been discussed in depth. The IADC was initially conceived as a collective defence mechanism to promote democracy under the principle of non-intervention. However, now that democracy extends across the region, it is time to implement mechanisms to defend it effectively.

Some regional bodies have similar democracy clauses in their constitution treaties and measures to prevent or restore democracy in case of a breakdown. For example, article 4 of the Union of South American Nations (UNASUR) Additional Protocol stipulates the following punitive measures in the event of a breakdown: (1) suspension of the right to participate in the various bodies and branches of UNASUR, as well as the suspension of the rights and benefits enjoyed under the UNASUR Constitutive Treaty; (2) partial or complete closure of land borders, including the suspension and/or limitation of trade, air and maritime traffic, communications and provision of energy, services and supplies; (3) suspension of the affected state in the ambit of other regional and international organizations; (4) suspension of the rights and/or benefits enjoyed by the affected state under the cooperation agreements to which it is party; and (5) the adoption of additional political and diplomatic sanctions (UNASUR 2008). This clause was invoked in Paraguay's crisis of 2012 when President Fernando Lugo was impeached and ousted.

The Andean Community (*Comunidad Andina de Naciones*, CAN) signed a Additional Protocol to the Cartagena Agreement (also called the Andean Community Commitment to Democracy) that stipulates a range of punitive

measures—from the suspension of a country’s participation in any of the bodies of the Andean Integration System (and its ability to benefit from the facilities or loans of the Andean financial institutions), to the ‘suspension of rights deriving from the Cartagena Agreement and the coordination of external measures in other spheres’ (CAN website).

The European Union (EU) has also introduced a democracy clause into nearly every agreement or treaty with non-EU states that entails the immediate suspension of the agreement and calling for consultation and ‘appropriate measures’. Nevertheless, this clause has rarely been invoked (Piccone 2005, p. 117).

Threats concerning economic cooperation have proven to be effective deterrents to anti-democratic events. For example, after his self-coup in 1992, Fujimori decided to restore civil liberties and call for a Constituent Congress soon after Peru was suspended from participation in the Rio Group—a group of Latin American and Caribbean states similar in composition to the OAS—and threatened with the suspension of international cooperation, investments, and economic and trade relations (Perina 2005, p. 114). In addition, Lino Oviedo’s attempted military coup in April 1996 in Paraguay resulted in economic and trade sanctions from the Common Market of South America (*Mercado Común de América del Sur*, MERCOSUR) that helped re-establish democracy since the country relied heavily on economic ties with its neighbours (Piccone 2005, p. 108). Moreover, the United States suspended joint military operations, visa services and certain non-humanitarian aid after the 2009 coup in Honduras (McCoy 2012).

When diplomatic missions are not productive, punitive sanctions from regional trade organizations such as MERCOSUR (e.g., suspending membership in the organization and participation in international cooperation projects, and loans and financial mechanisms) could be an effective response to interruptions to democracy.

In the most flagrant and extreme cases, freezing bank accounts and assets, imposing embargoes and breaking diplomatic relations have proven to be effective in exerting pressure on a member state. Strong consensus among member states provides several incentives for multilateral action. Suspension under these circumstances should be a last resort. However, OAS decisions are voluntary and non-binding. Some argue that it shows the will—but not the real commitment—to democracy that is required (Shaw 2003; Ramis 2010).



A revision of the IADC is highly unlikely. The consensus reached at its inception is probably unrepeatable. OAS members have chosen not to review the provisions contained in the charter, mainly due to ideological differences among the member states that would hinder the adoption of consensus-based reforms. However, the defence of democracy is incomplete if there are no disincentives for interrupting democracy.

Dialogue and cooperation with other regional organizations

The lack of prompt responses (and sanctions) from the OAS has led some to think that it has lost its purpose, especially with the emergence of other regional organizations such as UNASUR and the Community of Latin American and Caribbean States (CELAC) (Lee 2012). For example, Sample and Mariani (2012) provide an account of the agreement on the preferred mechanism for reporting on IADC provisions. Monitoring by each member party, and the submission of a periodical report to a working group, was adopted in order to comply with the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights and the Monitoring Mechanism for the Inter-American Convention Against Corruption.

The OAS and MERCOSUR identified President Lugo's impeachment as detrimental to Paraguayan democracy. Nevertheless, these regional organizations have shown stronger positions while applying sanctions where appropriate, while the OAS decided not to apply the IADC. However, the IADC still recognizes a wider spectrum of interruptions to democracy. The MERCOSUR protocol provides for sanctions against threats to governments in office, but it is less clear how it could be applied to a breakdown initiated by an incumbent (e.g., self-coup) (McCoy 2012, p. 41).

Although Lugo's impeachment leaves room for interpretation regarding whether it constituted an alteration to the democratic order, UNASUR and MERCOSUR member countries never hesitated to introduce sanctions against Paraguay, whereas the OAS was less severe. In the Honduran crisis in 2009, UNASUR and ALBA broadcast news via the regional television station and played a key role in covering events during the crisis (McCarthy Jones 2014). At the same time, ALBA countries have not been the most outstanding example of representative democracy in the region. Over the last 21 years, six countries have reported the majority of democratic breakdowns: Haiti (15), Guatemala (ten) and the ALBA countries: Nicaragua and Venezuela (eight each), Bolivia (seven) and Ecuador (six) (McCoy 2012, p. 37).

Thus, democracy clauses in other organizations represent an opportunity for cooperation and assistance, rather than a replacement or duplication of tasks. Institutions such as ALBA, UNASUR, MERCOSUR and CELAC are clear signs of an exceptional Latin American regionalism that is based on cooperation, integration and solidarity (McCarthy Jones 2014). Despite the concern of some OAS members regarding US interference in Latin America, the OAS is still the only organization that includes both the United States and Canada.

Creation of the Office of Ombudsman of Democracy

The creation of an Office of the Ombudsman of Democracy was suggested by the Friends of the Inter-American Democratic Charter as a means of early detection of threats to democracy, and encouraging the participation of non-state actors and agencies.^{vi} The OAS Permanent Council, by contrast, has been described as a ‘club of executives’, which means that other branches of government and civil society groups lack the same degree of access and participation when issuing alerts about potential threats to the domestic democratic order (McCoy 2012).

Former Peruvian Ombudsman Jorge Santistevan de Noriega suggested that different governmental levels (e.g., local and regional), as well as the media and non-governmental organizations, should have a channel through which to communicate and raise red flags when anti-democratic practices arise. This office would prepare the intervention—when necessary—of the secretary general and exercise soft diplomacy (Santistevan de Noriega 2012, p. 109).

As seen in previous missions (e.g., Venezuela 2002, Peru 2000), the role of the facilitator is key to achieving successful results. The Office of the Ombudsman of Democracy would require independence in order to persuade and convince, and the flexibility to participate when necessary. All member states should have a standing invitation to use the services of the office (Santistevan de Noriega 2012, p. 109). This office would have a complementary (preliminary, when an intervention is required) role, and would by no means replace the secretary general or General Assembly.

Democracy Traffic Light

Some analysts have recommended the development of a framework to record potential threats to democracy in a rapid and succinct manner for monitoring purposes. Agreeing on the appropriate indicators with which to detect threats



to democracy would be no easy task, considering the disparities among OAS member states of what democracy is and how it should be monitored.

A proposed Democracy Traffic Light would serve as an early warning mechanism to ‘encourage the engagement of the international community in a graduated, constructive, and preventive manner by supplying the evidence needed for sound decision making’ (Cameron 2012, p. 68). The starting point could be a restriction of electoral democracy (by far the most clear-cut dimension of democracy, which is widespread in the region). The development of democracy standards would be divided into three categories:

- clearly democratic (green light);
- grey areas of democracy: situations in which evidence is insufficient, and further information is needed (yellow light); and
- non-democratic (red light).

Coppedge et al. (2011) present a comprehensive list of disaggregated indicators of democracy and suggests that country and institutional experts should together produce national reports based on previously agreed criteria in order to achieve consensus and cooperation among OAS members.^{vii} The result would take into consideration political idiosyncrasies and contingencies.

IADC special rapporteur

The Canadian Government and Friends of the Charter proposed the creation of an IADC special rapporteur in June 2010 who would be in charge of monitoring and following up on the IADC, and perhaps reach out to other actors such as parliamentarians and judges (Cameron 2012). Although the rapporteur would not have the power to impose sanctions, he or she could raise awareness of the state of democracy in the Americas, serving as a first point of contact.

The rapporteur could benefit from an independent office that is free from the control of the secretary general and pressure from member states. However, some member states may be reluctant to introduce a special rapporteur, considering allegations of restrictions to the national press and media (e.g., Ecuador and Venezuela).

Compendium of best practices

There seems to be a consensus among OAS member states regarding the need to periodically review the best practices of the socio-economic dimension of the IADC (Sample and Mariani 2012). A voluntary compendium of best practices would enable information sharing among member states and help focus on potential areas of improvement, rather than stressing differences in the worst performers in the region.

There have been efforts to report on the state of democracy in the Americas. For instance, the Centre for the Study of Democratic Institutions at the University of British Columbia, the Andean Commission of Jurists, International IDEA, and the Carter Center created the Andean Democracy Research Network (now inactive), which commissioned a series of studies on the Andean Region (Cameron 2012, p. 65). The Peruvian Ministry of Foreign Affairs also launched the Center for the Study of Democracy (*Centro de Estudios para la Democracia*) in 2012.

Since most research in this area comes from academia and think tanks, there are several departments and institutes across the Americas (and in other parts of the world) focused on the study of democracy in this region. Partnerships could benefit both research organizations and the OAS. For example, the OAS could use existing resources such as publications and data sets to develop a compendium of good practices, and research organizations could reach a wider audience through the OAS and build partnerships and networks with similar institutions.

Nevertheless, peer-review mechanisms still need to create a common ground for standards and indicators, as well as rigorous academic research standards. There is a potential threat of the misuse of such instruments in order to cover certain topics chosen by member states without addressing the challenges contained in the IADC (Cameron 2012; McCoy 2012).

Conclusions

This document has discussed the application of the IADC and suggested policy recommendations to help overcome problems in the current system. Promoting ‘better’ democracy in the Americas is no easy task, given the present challenges and constraints. This paper has placed special emphasis on the importance of dialogue and consensus for preventing the outbreak or escalation of crises. Consequently, the OAS should promote mechanisms that encourage discussion and information sharing through voluntary and periodic reviews.

Though this paper has shown that there are many advantages of implementing these recommendations, they will not solve structural political differences among member states. The most important caveat is the unwillingness of member states to use the Permanent Council as an arena to discuss their political situations because it would constitute an interference in their domestic affairs. This concern should be addressed promptly.

The IADC should promote an information-sharing environment to identify weaknesses and threats (as well as best practices) among member states. In this way, OAS missions during anti-democratic outbreaks should be regarded as a shock absorber for potential domestic or international interventions and civil unrest. Its most important role is to promote dialogue when domestic actors cannot reach a peaceful, constitutional solution. As the example of the Venezuelan roundtable in 2002 shows, member states are more open to OAS missions when their political context is taken into account and when all political forces are invited to the table. It thus gives more legitimacy to the whole process, and produces sustainable outcomes in a peaceful and orderly manner.

The OAS should focus not only on a fire-fighting role, but also on a preventive and dialogue-enabling function. Every member state experiencing an alteration to democracy should be able to rely on the fact that missions will be respectful of domestic politics and the particularities of each country's politics, and serve as an open space for all stakeholders to be heard and considered.

Further work is needed to establish whether the OAS—and especially through the IADC—is sufficiently protecting democracy in the Americas. First, it needs to provide a comprehensive notion of democracy and its alterations in order to formulate assessments, recommendations and protocols. While this would pose a challenge among member states, it is the first step toward achieving the IADC's full potential. Second, lessons learned and past events should be analysed in order to facilitate evidence-based policy recommendations. Like any organization, the OAS is ultimately a reflection of its members. A commitment to the IADC principles will help ensure the sustainable implementation of policies and reforms.



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Notes



- ⁱ The nine members are Antigua and Barbuda, Bolivia, Cuba, Dominica, Ecuador, Nicaragua, Saint Vincent and the Grenadines, Venezuela and Saint Lucia.
- ⁱⁱ The Gini coefficient is commonly used to measure inequality with values between 0 and 1; the closer it is to zero, the less unequal the distribution is. As López-Calva and Lustig (2010) point out, Gini values are usually never above 0.65 or below 0.20.
- ⁱⁱⁱ See El-Hage (2010) for a comprehensive definition of *coup d'état*.
- ^{iv} Samuel P. Huntington (1991) argues that a series of democratic transitions began with the Carnation Revolution in Portugal in 1974 and ended after the collapse of the Soviet Union. Historic transformations occurred especially in Latin America during the 1980s and in Asia-Pacific countries.
- ^v See Carter (2005) for a discussion of alterations to the democratic order.
- ^{vi} For more information, see <http://www.cartercenter.org/peace/americas/friends.html>.
- ^{vii} More information is available from the Varieties of Democracy project, see <https://v-dem.net/DemoComp/en>