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# Democratic Crises in Latin America from 1990-2012: Explaining the Variation in Responses From Regional Intergovernmental Organizations

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DEMOCRATIC CRISES IN LATIN AMERICA FROM 1990-2012: EXPLAINING THE  
VARIATION IN RESPONSES FROM REGIONAL INTERGOVERNMENTAL  
ORGANIZATIONS

by

BETSY MONTGOMERY-SMITH

Under the Direction of Jennifer McCoy, PhD

ABSTRACT

Despite the existence in Latin America of a highly developed norm to collectively promote and defend democracy, there is variation in its application during democratic crises in the region. What explains the variation in responses to democratic crises? This dissertation makes three major arguments. The first is that the variation in responses is a result of the clarity and severity of the democratic crisis. Crises that present a clear threat to the constitutional underpinnings of democracy receive the strongest responses, while threats that are neither clearly undemocratic nor democratic receive the weakest. The second argument I make is that when there is variation to threats that are not clear, the factors of time, polarization within the organization, information, and uncertainty regarding the consequences of responding determine which cases receive responses and which do not. Finally, I demonstrate empirical evidence for the hypothesis that regional intergovernmental organizations in Latin America can be

characterized as “clubs of presidents.” These findings have implications for our understanding of the various threats to the consolidation and quality of democracy. The data covers 31 cases of presidential crises from 1990-2012. The project uses cross-tabulations as well as in-depth case studies drawing from personal interviews with the former presidents, ambassadors of the Organization of American States, and ambassadors of member-states of IGOs directly involved in the crises.

**INDEX WORDS:** Organization of American States, Presidential Crises, Democratization, Defense of Democracy, Clubs of Presidents

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A Dissertation Submitted in Partial Fulfillment of the Requirements for the Degree of

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in the College of Arts and Sciences

Georgia State University

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2015

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**DEDICATION**

*To my husband, Ian – you open my life up to a world of possibilities. Thank you for your love, your support, and for bringing laughter and light into my life.*

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# 1 Chapter One: The Defense-of-Democracy Paradigm and the Responses of International Organizations

## 1.1 Introduction

Since the third wave of democracy swept the region of Latin America, the field of political science has turned its attention to democratic transition and consolidation and the role of the international community in both of those processes. The early “nativists” literature argues that the role and impact of international actors and influences is limited (Schmitter 2001; O’Donnell, Schmitter, and Whitehead 1986; Munck and Leff 1997; Karl 1990). However, other literature and understanding of the influence of international actors has allotted them more importance in the processes of transition and deepening of democracy (Remmer 1989; Linz and Stepan 1996; Whitehead 1996). In addition, international actors and, in particular, intergovernmental organizations (IGOs) have created a role for themselves in the processes of democratic deepening and defense of democracy. For example, the Organization of American States (OAS), under the processes laid out in the Santiago Commitment, Resolution 1080, and the Inter-American Democratic Charter (IADC), has been actively involved in commenting on and responding to democratic crises inside of its member-states.

Traditional explanations of interstate behavior would maintain respect for sovereignty as the predominant foreign policy guide for states, and yet, the time, money, and commitment devoted to involvement with politics at the domestic level, whether explicitly welcomed or not for each event, continue to grow. Even more interesting for our understanding of democratization is that intergovernmental organizations are not only responding to democratic crises when it appears the entire regime of democracy in a country is threatened, but they are also involved when an alteration in the democratic process occurs that is threatening the deepening of

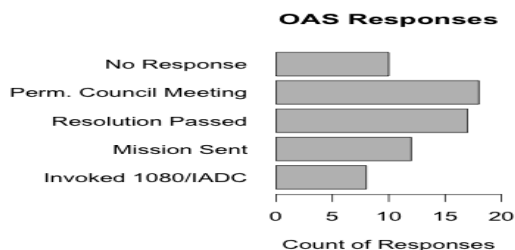
democracy. Since 1990 there has been a concerted effort by regional organizations to develop a norm to collectively promote and defend democracy backed by charters and agreements among member-states as part of their obligations in an intergovernmental organization. Yet, even though this norm is listed as part of the fundamental characteristics of these intergovernmental organizations, there is variation in the application of the norm, including in cases that present a threat to presidential survival. This leaves us with a key question: what explains the variation in responses by regional intergovernmental organizations to presidential crises?

### 1.2 *The Puzzle*

This variation in responses by regional IGOs to domestic crises in Latin America can be demonstrated by reviewing how the largest and most inclusive IGO in the region, the Organization of American States (OAS), has responded to threats to the executive since 1990. The OAS has the most extensive defense-of-democracy regime in the region, with numerous documents outlining the expectations of representative democracy for its member-states as well as allowing for actions, in some instances without the authorization of the crisis state, from the member-states in response to alterations or interruptions to democracy. However, in the 31 cases of presidential crises in my study that have occurred in the region since 1990, the responses from the OAS have been mixed, ranging from no response at all to the invocation of the “primary democratic instruments” (Boniface 2007), such as Resolution 1080 and the Inter-American Democratic Charter (IADC). Figure 1.1 below demonstrates this variation in responses from the OAS.



**Figure 1: Responses from the Organization of American States**



This variation deserves further explanation. Despite the proliferation of commitments to democracy in the region, the OAS is more likely to not respond to a crisis at all than invoke the primary democratic instruments. The most likely response of the OAS is to hold a Permanent Council meeting, but the agreement by the OAS Permanent Council to send a mission, whether that was a good offices mission, fact-finding mission, or representatives for mediation, was less likely to occur. This variation in responses to crises in the region occurs even during similar crises, such as the conflicts over the rules of constituent assemblies in Bolivia and Ecuador between 2007 and 2008. The OAS sent a political mission to help mediate the conflict in Bolivia, but limited the response to the conflict in Ecuador to press statements (most of which supported the process and the government of President Rafael Correa, with little direct mention of the conflict). In other words, the variation of responses exists in spite of similar types of crises. This variation also exists regardless of when the crisis occurred, as demonstrated in Figure 1.2 below.

**Figure 2: Responses of the Organization of American States (OAS) Over Time**

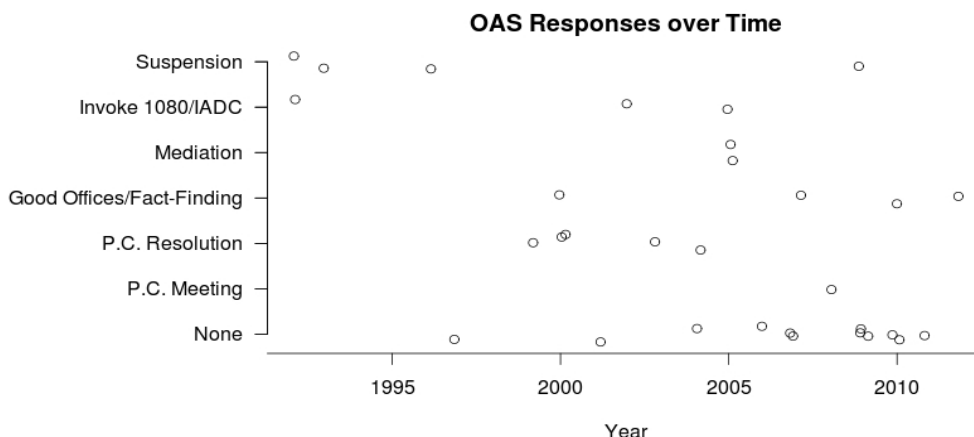


Figure 1.2 demonstrates that responses from the OAS to presidential crises in the region have varied regardless of the time period. Particularly in the post-1995 period, this variation becomes more extreme, with some cases receiving no response to others receiving threats of suspension or actual suspension from the regional organization. It is important to note the apparent lack of low-level responses in the early 1990s. This is largely due to the nature of the universe of cases and the increase in presidential crises since the early 1990s. The only crises from the 1990s included in my case selection are Peru 1992, Guatemala 1993 (both autogolpes) and Venezuela 1992 (attempted coup d'etat). As a result, it is not surprising that there appears to be little variation there, as there are few cases in the time period and the cases are similar.

There is a small, but growing, literature regarding the responses of regional IGOs, particularly the OAS, to democratic crises in Latin America. While many of the arguments are compelling, I argue that they only present a partial picture of the reasons underlying the variation in responses from IGOs in Latin America. Before I turn to my argument, it is important to review the literature that has attempted to address when intergovernmental organizations have responded to democratic crises in the region and what those authors argue about the underlying mechanisms that determine IGO action. By reviewing the prior arguments regarding this puzzle,

I seek to demonstrate that the prior explanations capture only a portion of the underlying mechanisms that drive responses to democratic crises from regional intergovernmental organizations. My explanation for the variation in responses from IGOs will incorporate some of the relevant components of prior theories, while adding what I consider to be the missing pieces of the puzzle.

### 1.3 *Existing Literature*

The first set of literature that has addressed the causes for variation in responses to democratic crises rests its theoretical argument in the realist tradition. The realist explanation of motivation is based on the idea of unitary states acting in their own self-interest in an anarchic system. It is power-based with considerations of relative gains as well as a limited, and certainly not autonomous, role for international organizations (Mearsheimer 1994; Morgenthau 1965; Waltz 1979; Owen 2002). With respect to intervention in the domestic affairs of other states by international organizations, realists argue that international institutions are only minimally influential on states and function as an extension of the hegemon (Mearsheimer 1994). In this sense, the use of an international institution such as the OAS, UNASUR, or Mercosur will only be employed for international responses to democratic crises when it is in the interest of the most powerful state within those organizations, usually the United States or Brazil, to get involved.

In the realist tradition, a state will only respond to crises of democracy when it stands to gain by intervening or if it feels that its stability is at stake if a crisis continues. For example, if a state's material interests are at stake (i.e. access to oil), it is more likely that a powerful state will intervene to maintain its interests and restore stability, regardless of the cost to democracy. According to realists, it is possible that economic and political interests align with the promotion of the democratic norm, but the driving factor behind international involvement in democratic

crises in other countries is based on material interests and not on a normative commitment (Burges and Daudelin 2007).

Burges and Daudelin (2007) specifically look at the role of democratic norms versus material interests to explain Brazil's promotion of democratic norms in the region. While it is often the case that "Brazil's interests could be promoted in unison with the defense of democracy," when Brazil's interests and the promotion of democracy were not in unison, Brazil's government chose one of three different responses: move consideration of the crisis to a smaller, less institutionalized regional forum for discussion; demonstrate indifference to a crisis; and/or work to reduce the power of the involvement of the United Nations or the OAS (128). Shaw (2007) finds a similar explanation when comparing the actions of the United States in light of its rhetoric on democratic deepening. She finds that when national interests and normative interests are at odds, the United States will take actions based on its national interests. However, there are cases when normative and national interests coincide, leading to actions to address democratic deficiencies. In other words, if these realist explanations were to hold, we would expect to see the United States and Brazil push the regional IGOs to respond only when it is in the national interests of either of the two major countries in the region to do so. If national interests are served by addressing the democratic crisis through the regional IGO, then the United States and Brazil will do so. However, if it is not in the interests of either of those two states, then the national interests will take precedence over the normative interests and pressure from the United States and/or Brazil for the regional IGOs to respond will be minimal.

The impact of intervention on the security and stability of the crisis state may also affect international motivation. According to Bloomfield (1994), intervening states take into consideration the potential for unintended consequences of responding to a crisis in another

country. As Bloomfield points out in his article on Peru and the OAS, international actors felt that pressure on the government after the 1992 autogolpe could destabilize the state even further amidst the internal struggle with the rebel group Sendero Luminoso. In these cases, even though a situation (the behavior of the executive branch) within a country is clearly undemocratic, the tradeoff between democracy and stability becomes a key factor of consideration. This tradeoff may also explain why states and organizations seem willing to accept that an overthrown president will not be returned to office but that a constitutional succession or free and fair elections will be held to determine his or her replacement.

An argument that can be based in realism is the theory that self-interested states push for international action based on the ideology of the government within the crisis state. The rise of leftist politics in the region has provided a basis to counter the dominance of the United States. A realist might argue that if a democratic crisis is occurring in a state led by a leftist leader, the United States, especially when the President of the United States is a Republican, would be more likely to push the Organization of American States to limit their response, potentially out of the hope that the leftist politician would be overthrown and a more U.S.-friendly leader would assume power.

The realist explanations for the variation of international responses to democratic crises in Latin America focus primarily on the role of individual self-interested states and how those states pressure intergovernmental organizations to respond to a crisis. The arguments from Shaw (2007) and Burges and Daudelin (2007) focus on the responses of Brazil and the United States and their role in pressuring the organizations to act only when in their own interests. Concerns regarding stability for the crisis country and surrounding areas have also been presented as explanations for the variation in responses to democratic crises in the region. Although realist

theory has been used as a basis for explaining variation, other authors writing on this topic have countered realist explanations for variation in responses by appealing to neoliberal institutional theory, theories citing domestic politics, and constructivist theories as the key motivation for responses from IGOs. Authors writing from the liberal tradition have also argued that realist explanations do not explain why the OAS would respond to crises that were not in the strategic or material interests of the United States, such as the crises in Guatemala 1993 and Paraguay 1996 (Arceneaux and Pion-Berlin 2007; Horwitz 2010; Shaw 2003).

The literature originating from the liberal school of thought covers a wide range of potential explanations for when and why international organizations will intervene in a domestic democratic crisis. Liberal institutional theories see a primary role for institutions in transforming calculations of costs and benefits through membership conditionality and socialization-based methods (Kelley 2004), bestowing international legitimacy on states (Hyde 2011; Kelley 2012; Pevehouse 2005) and by creating norms of accountability (Pevehouse 2002; Halperin and Lomasney 1998).

Halperin and Lomasney (1998) argue that by creating norms of accountability with regards to democracy, or “guarantee clauses” for democracy, these regional organizations create the ability to intervene multilaterally and help restore the democratic order (Halperin and Lomasney 1998: 134). As a result, member-states not only have norms of accountability regarding a democratic system within the state, but also have the norms of accountability regarding the organization’s response to a violation of the democratic order. Due to the existence of these norms, Halperin and Lomasney demonstrate that the motivation, or the “why” for a response from an IGO is present, but they do not explain the reasons for the variation of “when” regional IGOs will respond to a crisis.

Within international organizations, the politics within the organization among the member-states and the strength of the organization may affect when an IGO responds to a domestic crisis. Putnam's (1988) two-level games theory would argue that there is variation in the responses to democratic crises due to different preferences and bargaining powers among the domestic and international level players. At the intergovernmental level, Barnett and Finnemore (1999) would argue that the variation in responses to crises is due to the bureaucratic pathologies that have developed over time, such as how the organization determines success (i.e., is it the return to stability or the return of the ousted leader that determines success) or the existence of different competing perspectives that will then lead to different goals and, eventually, outcomes (724). Finally, the ability of international organizations to intervene is important to note. Tulchin and Espach (2001) and Klaveren (2001) argue that the ability of regional IGOs in Latin America to respond to democratic crises has increased, but is still limited and will remain so until there is a focus on policies designed to strengthen the states in the region, with or without the influence and support of the United States. However, the ability of IGOs to intervene in the region has varied across organizations and over time. As a result, when the international organization is facing a bureaucratic or organizational crisis itself (as the OAS did in 2004), it is less likely that the OAS will respond, although other international organizations may step in to address the crisis. The arguments above would lead us to expect that when an international organization has the ability to intervene, it is likely to do so, but the way it intervenes is moderated by the bureaucratic pathologies developed in the organization. In their arguments, if you can understand the bureaucratic pathologies and weaknesses of the organizations, you can understand why the organizations responded to some crises but not to others.

The importance of domestic politics within the member-states and how those affect the actions of member-states within IGOs has also been offered as an explanation for the variation in responses to democratic crises. Levitt's (2006) article argues that domestic politics, specifically how the governments of the various member-states view their own positions in and outside of the OAS, explains the variation in responses to democratic crises in the region. He finds that the way the governments in the other member-states view their own positions in terms of democracy determines the type of response the member-state will push for in the IGO. For example, if the government in a member-state is also feeling vulnerable to accusations of breaches of democracy at home, that government will oppose enforcement of the democratic regime. On the other hand, if a government fears an authoritarian seizure of power at home, that government will support enforcement of the democratic regime. This "reciprocity" motivation, where presidents may be more willing to involve themselves in the domestic affairs of other states by condemning the threat to the president, offers an explanation for why there is variation among crises. In other words, the worry of other presidents that they may face a similar crisis and be left without support by their regional community may encourage them to condemn and respond to threats to their fellow presidents, even when it's not considered in their state's military or economic interests. While Arceneaux and Pion-Berlin (2007) argue that member-states within the OAS are less likely to encourage intervention during a crisis that threatens democratic deepening, that wouldn't necessarily hold true when there are protests and intragovernmental crises that threaten the president from power (96). In those cases, presidents may want to pressure regional organizations to support their position as democratically elected president, even if this means there could be additional scrutiny paid to the president in the short-term. This could be considered a self-preservation hypothesis, wherein a president within a region where



consolidation is not complete, meaning his own position as president could be challenged, chooses to use institutional mechanisms (such as the democracy clauses of the OAS or Mercosur) to punish threats against another president in order to create a precedent in the organization to protect the current elected president against threats.

The logic used in the arguments above concerning reciprocity and self-preservation may also explain why regional intergovernmental organizations are limited in their responses when it is a president abusing power. While a president might seek to have more attention paid to domestic politics in his country when his position is threatened, he may not want that same amount of attention to be paid when he is the one violating the democratic order. As a result, with the exception of the most egregious violations of the democratic order, i.e. an autogolpe, presidents of the region are likely to avoid openly criticizing and calling for action against another president. As a result, the responses of regional intergovernmental organizations are likely to be skewed towards action when the president in office is being threatened, but not when the president is abusing the powers of his office. Boniface (2007) points out that since the signing of the Inter-American Democratic Charter (IADC) in 2001, the IADC has “never been invoked by the OAS against a sitting president” (57).<sup>1</sup>

Even though this project will be focusing on the role of intergovernmental organizations in responding to domestic democratic crises, the role of domestic groups and individuals in the crisis state is an important topic to discuss. The most obvious explanation for whether there will be an international response is whether the domestic actors of the crisis country request help (Levitt 2006). Without the authorization from a domestic actor, especially the president, to intervene in the domestic affairs of the state, international organizations will be limited in what

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<sup>1</sup> The United States did threaten to request the invocation of the IADC against the Venezuelan government led by Nicolás Maduro in 2014, however, as of October 31, 2014, the OAS Permanent Council has not passed a resolution invoking the IADC against the Maduro government.

kind of assistance they can provide. Despite the rise of the acceptability of international involvement in democratic affairs, the norm of sovereignty is still salient. However, even if the domestic actors within a crisis state do not directly ask for external involvement, the state's membership in these regional organizations means the traditional notion of sovereignty and non-interference is at least balanced by the charters and resolutions that authorize international organizations to convene and discuss the domestic situation of a member-state, at times even without the request or explicit support of the member-state in question.<sup>2</sup>

When a domestic actor does request support, the international community may be more likely to get involved and use a broader range of responses to assist the crisis country. For international responses such as mediation and dialogue, there generally has to be some kind of request and acceptance from all parties for the dialogue to take place. However, international actors can offer mediation or dialogue, regardless of whether it is rejected. Offers of mediation do not exist in every case of democratic crisis, and there are clear instances when mediation could have been beneficial but was not offered. Focusing simply on whether domestic actors request or accept international action means we miss the potential for understanding why international actors are likely to offer mediation as a response, and thus, we miss an example of regional IGOs attempting to respond to a crisis, but being rebuffed by the domestic actors, thereby limiting the action of the regional IGOs.

In terms of capacity to affect any real change, Levitsky and Way's (2010, 2006) arguments on linkage and leverage can potentially provide a theoretical basis for when

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<sup>2</sup> For example, the Inter-American Democratic Charter states that any member-state or the Secretary General of the OAS can, in the event of an "unconstitutional interruption of the democratic order or an unconstitutional alteration of the constitutional regime," convene the Permanent Council to discuss and assess the situation and determine if further action is merited (Article 20 of IADC). This is important due to the reality that any member-state can request a meeting and place its concerns about the domestic situation of another country on the agenda for discussion, if the government of the member state believes there has been an unconstitutional alteration or interruption.

international actors respond to crises. According to their theory, higher levels of linkage (dense political, economic, social, diplomatic, and/or social ties) and leverage (a governments' vulnerability to external democratizing power) lead to higher costs for autocratic abuses because those ties make the actions of autocratic abuses more internationally salient. As a result, when there are higher levels of linkage and leverage autocratic governments are more likely to respond to both the domestic and the international pressures to democratize. As a theory, it can also be applied to explaining why international actors will intervene and why they choose the policies they do.

The application of linkage and leverage as an explanation for the variation of responses to democratic crises by regional IGOs means we would expect to see that higher levels of linkage and leverage on the part of potential intervening states would lead to a wider variety of responses from the international community. If a state has a high level of leverage and linkage with a particular country, that state is expected to not only become more involved in the domestic crisis, but also to put more resources and pressure on the domestic situation to resolve the crisis in a way that is conducive to the democratic process and preserves the interests of the intervening state.

Finally, the scholars who have done the most definitive work on the answer of international involvement in domestic democratic crises have identified the nature of the issues as the driving factor determining how international actors will respond (Arceneaux and Pion-Berlin 2005; 2007; Boniface 2007). Arceneaux and Pion-Berlin (2005), borrowing the terms high and low politics from Keohane and Nye (1977), argue that when the issue is one of the high politics realm (affecting state self-interest, might, and material assets,) then state interests will override the traditional notion of sovereignty and international actors will respond to the crisis in

the country. They put neoliberal reform and regional security into the realm of high politics that are likely to be addressed by the international community, as those issues affect the security and material interests of external states. Democratic deepening, issues of human rights, and issues concerning the environment, on the other hand, are considered areas of low politics. During crises in this realm we would expect to see limited or no responses to the crises. Finally, democratic defense and issues regarding immigration and drug trafficking exist somewhere in the middle. One of the key parts of their theory, however, is that issues can move along the high-low politics continuum. As international organizations such as the OAS intervene in issues relating to democratic defense, their action moves democratic defense along the continuum to the realm of high politics (88).

When an issue falls in one of the low politics realms, such a democratic deepening, international organizations tend to be more hesitant to respond. According to Arceneaux and Pion-Berlin (2005), states tend to be hesitant to focus on democratic deepening in other countries out of fear that it crosses the line too far into illegitimate intervention as well as being concerned about other countries turning their attention to the domestic processes of their home state. As a result, the Western Hemisphere “now embraces a system that shores up ‘low quality democracies’ of decreasing legitimacy to their own populations” (20).

Despite their distinction between democratic deepening and democratic defense, we still see variation in the responses not only in cases of the more medium-high politics realm of democratic defense, i.e. during a military coup d’etat, but also during cases within the low politics realm of democratic deepening, i.e. during conflicts over constitutional assembly rules or changing constitutional rules to increase the power of the office of president<sup>3</sup>. They note this

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<sup>3</sup> For example, during a conflict over the rules of the Constituent Assembly in Bolivia in 2006, the international community failed to issue any response to the domestic conflict. However, just two years later during another

variation, but only explore it with minimal depth in short case summaries, focusing on the roles of domestic public opinion regarding the crisis, the position of the hegemon with regards to promoting reforms, the influence of external events, and whether the domestic actors in the crisis country are divided or united in support for democratic strengthening (11).

Arceneaux and Pion-Berlin (2007) also argue the extent to which a crisis presents a clear threat to the member-state and to other states determines whether the OAS will respond. Where crises are more clearly a threat to democratic stability and continuation, such as a coup d'état (golpe de estado) or autogolpe, responses from the OAS are more likely to be stronger. Conversely, when the issue is one of ambiguity, such as constitutional crises, the clarity of the threat is lower and therefore the response is weaker. In other words, the clarity of the threat acts as the "gatekeeper" for responses: the clearer the threat, the stronger the intervention (Arceneaux and Pion Berlin 2007: 2). Boniface's (2007) argument is similar to the argument put forth by Arceneaux and Pion-Berlin (2007) in that it focuses on the type of crisis and how the crisis represents a threat to democracy. Boniface argues that there are three types of crises: those that represent a direct threat to democracy (coups and autogolpes), those that are near coup crises, where there is "significant violence, the resignation (and eventual exile) of a sitting president, and allegations of a coup", and finally, those that are of a "second-order nature", such as electoral crises and constitutional crises (Boniface 2007: 49). The OAS is likely to invoke the primary democratic instruments when a crisis is a coup or autogolpe, whereas the member-states of the OAS are likely to disagree on whether to invoke the primary democratic instruments during the near coup crises, and thus the likelihood of invocation is lower. For the second-order crises, the OAS is likely to decide how to respond on a "case-by-case basis" (50).

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conflict related to the new constitution, the international community responded with offers for dialogues and good offices. This variation in responses occurs in multiple cases.

Daniella Donno (2010) looks at intergovernmental responses to violations of democratic norms, specifically focusing on how intergovernmental organizations have responded to electoral fraud. She argues that the variation in responses from IGOs to electoral fraud in Latin America, the Caribbean, and the former Soviet Union countries is due to two factors: competing geopolitical interests and uncertainty about the nature and scope of the norm violations. She argues that international observation plays a mitigating role in international response, in that even if a country is geopolitically important, when there are international observers in a country for elections, there is more likely to be a response from the regional IGO, since uncertainty about the violations is reduced. Her argument can be transferred easily to questions regarding the variation in responses to other types of violations of democratic norms. When regional organizations have more information (and as a result, less uncertainty) regarding a crisis, they will be more likely to respond to the violations, even in countries with more geopolitical importance. However, when that information is limited, the response from regional organizations is also limited, as they are unable to agree on what the crisis is and how to respond to the crisis. As a result, the quality and extent of information the regional organizations have regarding a crisis, the more likely they are to agree on and approve of a response to the norm violation.

Scholars writing in the liberal and neoliberal institutionalist traditions argue for a wide variety of explanatory factors for the variation of responses to democratic crises. The impact of organizational efficiency and ability, the importance of the type of crisis and the threat it poses to democracy, how presidents in the other member-states view the stability of their own positions, and the mitigating effects of information have been offered as explanations for the variation in responses from intergovernmental organizations. The liberal and neoliberal institutionalist

literatures offer the strongest base from which to build a theory regarding international responses to presidential crises and I will return to them in more depth in the theoretical chapter.

The final set of literature to review is the literature based in the constructivist tradition. The constructivist literature emphasizes the role of norms and ideas, and how these norms and ideas shape and are shaped by actor's perceptions (Wendt 1992; Finnemore and Sikkink 2001, 1998). Norms of democracy have made their way into the charters and resolutions of international organizations as a way to influence member-state behavior by warning what happens if a state violates the norm (Kegley Jr. and Raymond 1990; Raymond 1997). Although normative explanations are potentially useful in explaining the creation of the defense of democracy regime, they are more limited in explaining the variation of responses to democratic crises.

The role of institutions and their ability to create and disseminate norms is especially salient for a discussion on democratic defense in Latin America, despite the limited ability of constructivist theory to explain variation in the application of the norm. The history of the OAS in particular represents an example of an institution building a normative basis for intervention during democratic crises. During the creation of the OAS, the concept of democracy was included in the founding charter, although during the Cold War, security concerns of the United States tended to trump the promotion of democracy. It wasn't until the demise of the Soviet Union and the decline of the concern over communist infiltration in the Americas that a renewed focus on finding ways to bolster democratic governments emerged.

The creation of the democratic paradigm happened over time in the Americas, but a few key events helped to ground the growth of the importance of democracy as a part of the hemispheric identity of the Americas. The Organization of American States, for example,

mentions representative democracy as part of its founding charter, although throughout the Cold War security interests more often trumped concerns over democratic quality. Despite the triumph of security interests during the Cold War, however, the member-states of the OAS signed onto numerous agreements regarding human rights and democratic practices. For example, the Declaration of Santiago signed in 1959 addressed free elections, freedom of the press, fair judicial procedures, and respect for human rights (Herz 2011, 62). It was also during the Cold War that the Inter-American Court of Human Rights (IACHR) was established. In 1979, the OAS even issued a resolution condemning the human rights record of the Somoza regime in Nicaragua (Herz 2011: 63). Despite the increase in the number of documents and institutions designed to bolster the notion of democracy in the region, the hegemony of the United States in the region meant that the norm of democratic promotion and defense was subsumed to national security. As the Cold War ended and Latin America entered a new period of democratic governments, hemispheric organizations began to reconsider ways to incorporate the role of democracy as part of the identity of the region as well as ways to ensure the reversal to authoritarian rule that occurred throughout the Cold War would not recur. Between 1990 and 2001, the proliferation of documents regarding democracy in the hemisphere reached a pinnacle. In 1991, the Santiago Declaration and Resolution 1080 reaffirmed the belief that “representative democracy is an indispensable condition for the stability, peace, and development of the region” (OAS AG/Res. 1080 (XXI-0/91)). Resolution 1080 builds on the Cartagena Protocol by, for the first time, more clearly outlining the steps that the OAS would take in order to address the “sudden or irregular interruption of the democratic political institutional process or of the legitimate exercise of power by the democratically elected government in any of the Organization’s member states” (OAS AG/Res. 1080 (XXI-0/91)).



The OAS also created the Unit for the Promotion of Democracy, a part of the OAS dedicated to the issues of democratic defense and democratic deepening. In 1992, the Protocol of Washington was signed, authorizing the suspension of a country in cases of the overthrow of a democratically elected government (Herz 2011). Most recently, in September of 2001, the Inter-American Democratic Charter (IADC) was adopted. The IADC outlines not only the steps to be taken if there is an unconstitutional interruption or alteration in the democratic regime, but also begins to define what the term “representative democracy” means for the Organization of American States in Articles 3 and 4 of the Charter (Herz 2011: 67). The Inter-American Democratic Charter was invoked during the 2002 coup crisis in Venezuela (CP/RES. 811 (1315/02), although the coup was over and Chavez restored to power before the General Assembly could meet.

The Organization of American States is not the only regional organization to contain clauses related to the expectation of democratic institutions of its member-states. The member states of Mercosur, the economic and political agreement between Uruguay, Paraguay, Argentina, and Brazil, signed the Protocol of Ushuaia in 1998.<sup>4</sup> The Protocol of Ushuaia affirms the democratic commitment of its member-states and allows for the organization to suspend a member-state if there is a rupture in the democratic process in their state. The Union of South American Nations (UNASUR) also passed a democracy clause in 2010, which authorizes UNASUR to suspend a country in the event of a “rupture or threat of a rupture to the democratic order, a violation of the constitutional order, or to any situation which presents a risk to the legitimate exercise of power and the validity of democratic values and principles” (Article 1). Finally, the recently formed Community of Latin American and Caribbean States (CELAC)

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<sup>4</sup> Venezuela was added to the regional bloc during the suspension of Paraguay in 2012.

issued the Special Declaration About the Defense of Democracy and Constitutional Order In the Community of Latin American and Caribbean States (CELAC) on December 3<sup>rd</sup>, 2011. This document outlines the expectations of democracy in its member-states and describes the steps to be taken if there is a “rupture or alteration of the democratic order that affects it [the constitutional government of a member state] substantially.” Of note is that the declaration puts the onus of action on the crisis government to reach out to the organization for assistance and does not appear to authorize the organization to condemn or respond to the rupture or alteration within a country without the country’s request.

Horwitz (2010) argues that the Organization of American States, along with other international organizations, played an instrumental role in establishing a normative framework regarding democratic norms and values in the Western hemisphere. In her argument, she creates a multi-layered analytical model to describe the process of norm creation, diffusion, and implementation with regards to the democratic paradigm in Latin America. Despite the success of the OAS in spreading democratic norms and values, a success Horwitz argues is a “phenomenon particular to the Western Hemisphere”, that success has not translated into significant or consistent responses to violations of the democratic norms or rules (167). In her study on the changing role of the Organization of American States, she finds that the OAS has steadily grown independent of the United States and has, as a result, developed “a common legal framework to defend democratic regimes” (173). Based on her discussion of the evolution of the OAS, it is clear that the OAS has made significant steps in moving towards a defense of democracy paradigm. A key issue area to further this discussion is to evaluate when the defense of democracy paradigm fails and explain the reasons why states may not respond when there is a crisis in a democracy in the region.

The role of international actors in activating normative change in domestic politics has been studied by a variety of different scholars and within different regions. Two well-known explanations on norm creation and international pressure to affect change come from the works by Keck and Sikkink (1998) and Finnemore and Sikkink (2001). In the work by Keck and Sikkink (1998) they argue that domestic actors, particularly NGOs, will seek international allies to put pressure on their states to push for a change in behavior. International allies, both NGOs and the states they can pressure, then put pressure on the offending state in an effort to change their policies. This “boomerang model” is most often seen in human rights cases (Keck and Sikkink, 12). Audie Klotz (1995) explains how international pressure on apartheid South Africa affected the domestic politics of the state and reinforced human rights norms. The sanctions used by the international community were imposed to change the incentives facing key domestic actors in the country in question. However, the punishments also serve to demonstrate that the reason for such sanctions is the violation of a norm in the regional or international community. Kacowicz (2005) argues that international organizations influence behavior by warning what happens when a state violates the norm and by punishing states when they violate the norm. He additionally argues that norms have changed how actors behave in the region of Latin America, focusing specifically on international norms of peace and security in the region.

The role of international election monitoring (IEM) and its effect on the notion of sovereignty has also brought up a discussion of the Western Hemisphere Idea (WHI) and why the Americas have been on the forefront of redefining the conflict between state sovereignty and normative issues such as democratic defense and human rights. In discussing the rise of election monitoring as a norm in the Americas, Santa-Cruz (2005) discusses the role of the WHI as a key normative structure that allowed for the emergence and acceptance of international election

monitoring. His argument is that election monitoring has fundamentally changed the notion of sovereignty in the region and the Western Hemisphere Idea, the notion that the peoples of the Western Hemisphere “stand in a special relationship to one another which sets them apart from the rest of the world” is what has allowed the acceptance of international election monitoring gain so much traction in the region (Santa-Cruz 2005a; Whitaker 1954). Part of his argument regarding the WHI is that the elements of nonintervention and representative democracy are constitutive, despite their inherent tension (Santa-Cruz 2005: 672). Over time, as the discourse within the hemisphere on the tension between nonintervention and representative democracy continued, the states within the region and the organizations they created reflected an understanding of sovereignty as limited by the expectation of democratic government. In fact, at the Council of Foreign Ministers meeting in 1962, the representatives of the Dominican Republic, Venezuela, Honduras, and Costa Rica declared, “The exercise of representative democracy and respect for human rights has ceased to be an internal matter of each state and has become an international obligation” (Santa-Cruz 2005: 678). The WHI and the inclusion of representative democracy as part of the WHI made the emergence of IEM in the Americas more likely than in other regions and changed not only the notion of sovereignty, but also the expectations of democratic governments. It can be argued then, that the WHI and the emergence of IEM also encouraged IOs and states with the region to reevaluate the role of the international community in encouraging international responses to events that traditionally would be considered the realm of internal affairs.

Dexter Boniface (2002) discusses the defense of democracy norms that have developed in the Americas and raises the question of whether the OAS is motivated by strategic factors or by normative considerations when defending democracy. He finds that both strategic (realist) and

normative (constructivist) explanations are useful, but for different reasons. Normative explanations are best for explaining *why* the OAS intervenes but that strategic factors, particularly the interests, political will, and capabilities of the United States, explain *how* the OAS intervenes. This multi-layered approach using explanations from multiple theoretical traditions is also discussed in Horwitz's (2010) argument regarding the transformation of the Organization of American States as a norm-promoter and defender of democracy.

The key question to take from constructivism in regards to this project is whether norms have an impact on how states behave and how we would define and measure norms and their impact on state behavior. Are international organizations responding to democratic crises because they are norm-driven actors? Is the explanatory variable in this situation the development and institutionalization of the defense of democracy regime? Kacowicz (2005) argues that norms influence the behavior of states; especially once those norms have been institutionalized into the international society (39). Under this theory, however, the norm would be institutionalized over time, so we should see an increase in the number of responses as the norm develops. However, we see a relatively consistent variation in responses by the international community over time. If the idea of norm driven actors should hold, we should see the increase of responses as the norm deepens in the organization.

The constructivist tradition explains very clearly the formation and internalization of norms through ideas such as the boomerang theory and the advent and spread of international election monitoring. While the constructivist tradition is useful for explaining the formation and spread of norms, it does not often address compliance with and enforcement of those norms after their initial creation and spread. While this may be the case, the constructivist tradition can demonstrate how issue areas may change from low politics issues to high politics issues or

explain why or how member-states and international organizations are using the norms of defense of democracy to motivate action to address crises.

#### 1.4 *Hypotheses and Variables*

Based on the strengths and drawbacks of the literature reviewed above, the main hypotheses are listed below. My argument partially builds on the works of Arceneaux and Pion-Berlin (2007), Boniface (2007), and Donno (2010) by focusing on not only the type of crisis, as the other authors argue, but also on how clear that crisis is a violation of the primary democracy clauses of the OAS (Resolution 1080 and the Inter-American Democratic Charter). The clarity of the crisis determines the way the OAS responds to a crisis by determining how member states categorize the crisis and, if a crisis is collectively agreed upon as clear, the mechanisms that should be invoked. It also means that other factors, such as ideological polarization within the OAS, imperfect information, time, and uncertainty, are less likely to influence the decision to react. However, when a crisis is not clear, those competing factors play a much larger role and hamper, or even prevent, a response from international organizations.

Hypothesis 1 can therefore be stated as:

*H1: As the clarity of a violation increases, the likelihood of a response that invokes Resolution 1080 or the Inter-American Democratic Charter increases.*

Clarity is coded based on how the Organization of American States (OAS) views and discusses the crisis in either Permanent Council Meetings or through statements from the Secretary General through the official OAS record of Press Releases. I first look through the minutes of the meetings corresponding to each crisis when a meeting of the Permanent Council takes place. If there is agreement among the member-states and they refer to the crisis using the language of the IADC or Resolution 1080, such as using the phrases “sudden or irregular interruption,” “unconstitutional interruption or alteration,” “autogolpe,” or “golpe de estado,” I

code that as a clear crisis. However, if there is a debate on whether the crisis falls under that language among member-states in the OAS, it is coded as not clear, as the presence of a debate on the extent of the crisis implies a lack of consensus on whether the crisis is a violation of the primary democratic clauses and documents. If there was no meeting regarding the crisis, I look through the press releases from the OAS to determine if any member-states [as members of the OAS] or the Secretary General spoke out regarding the crisis and how they labeled it. Again, the same language is the key for coding the crisis as a clear crisis. If there is no Permanent Council meeting held and/or no press releases regarding the crisis, it is coded as not clear. If the language above is not used in the minutes of the meetings or in the press releases, it is coded as not clear. The use of the impressions, discussions, and understanding of *what* the crisis is and where it fits with regards to the clauses and charters referring to democracy of the Organization helps illustrate how the organization viewed the crisis and what actions the member-states took to respond to the crisis. While endogeneity may be a problem here- member-states are likely to invoke the primary democratic instruments when they use the language of those documents in their discussions regarding the events in a country, there are cases where the member-states use the language of the clauses and democratic charters but do not invoke Resolution 1080 or the IADC. In addition, the variation in responses of other cases that are unclear or where the language is used but the outcome differs present key cases to review as indicators of the evolution of the understanding of how and when the defense-of-democracy regime should be invoked.

The second component of my explanation for the variation of responses to democratic crises, and one that I add to the literature, is that the severity of the crisis, or the extent to which the crisis threatens the fundamental foundation of democracy in the crisis state, also affects the

extent of the international response. In the primary democratic instruments of the OAS, the focus is on preserving representative democracy because the belief is that representative democracy is “indispensable for the stability, peace, and development of the region” (Inter-American Democratic Charter Preamble). When a crisis is more severe, it threatens to undermine the system of democracy that provides the basis for other goals, such as poverty reduction, economic growth and human rights. As a result, when a crisis is more severe, the regional community has more of a responsibility and more incentive to help solve the crisis to preserve the democratic order, and with it, the goals the OAS and other regional organizations have described as part of their fundamental normative commitments.

The literature so far has only addressed this concept in passing and has not directly looked at the impact of severity on the variation in responses. Boniface’s (2007) chapter primarily lays out the different types of crises and their responses, but he does not go deeper into the reasons for the connection between the type of crisis and response nor does he look with significant detail into why there are cases that were more severe but did not receive the same extent of a response from the OAS. Therefore, it is important to include the severity of a crisis as a variable to consider when determining the causes for variation in intergovernmental responses to democratic crises. Hypothesis 2 can thus be stated as:

*Hypothesis 2: As the severity of a crisis increases, the likelihood of a response that invokes Resolution 1080 or the Inter-American Democratic Charter increases.*

I code the severity of a crisis in two ways in order to get a well-rounded understanding of severity and to determine how the coding of severity may affect the results. The first is derived from Boniface’s (2007) chapter regarding the OAS and its record of responses to democratic crises. He argues, based on the wording of the various charters and agreements of the OAS, that



there are essentially three types of crises. Those that represent a direct threat to democracy, such as coup d'états and autogolpes, are most likely to clearly fit the definition of an interruption of the democratic order and thus the OAS is more likely to invoke its "primary instruments for the defense of democracy" such as Resolution 1080 or the Inter-American Democratic Charter (49). These crises include the use of force to unseat elected officials (49). Other crises, such as electoral crises, constitutional crises, and other non-coup emergencies, are considered "second-order" crises and he argues the OAS will consider these on a "case-by-case" basis (50). Third, the middle-range of crises that are not clearly coups or autogolpes, but do contain "significant violence, resignation (and eventual exile) of a sitting president, and allegations of a coup" are termed "near-coup crises" and the response of the OAS to these crises is "likely to be contentious" (49).

I also code severity based on the nature of the democratic crisis, using Marsteintredet's (2014) coding of the level of threat to democracy during presidential interruptions. Marsteintredet's coding of presidential interruptions is useful because he codes both the actions of the opposition as well as the action of the executive to demonstrate that threats to democracy can come from either group. His scale ranges from "0" to "5", with "0" representing democratic behavior and "5" representing the most severe undemocratic behavior. The crisis is then coded based on the most undemocratic behavior of either actor, i.e. if the executive scores a "5" for his behavior, and the opposition a "0", the crisis is coded as a "5." Further details regarding his coding and my additions to his coding are discussed in the empirical chapter.

In addition to the arguments that the clarity and severity of a crisis explain the variation in intergovernmental responses to presidential crises, I also add to the literature by empirically demonstrating support for the argument that when there is a threat to the incumbent president's

continuation in office, we are more likely to see responses where the Permanent Council passes a resolution, and the resolutions are more likely to invoke the IADC and/or Resolution 1080.

Alternatively, when the crisis is one in which the executive is abusing power or is taking ambiguously democratic actions, there is less likely to be an intergovernmental response, especially one that invokes the primary democratic instruments. The argument that the OAS and other regional organizations are only representative of the executives in office needs to be considered, as it has implications for the opposition and other democratic institutions in a crisis country. If the OAS and other regional organizations are simply “Clubs of Presidents” and only represent the will of the executive branch, then the defense of democracy will be limited when it is a case of the executive abusing the powers of the office. As a result, opposition leaders will be limited in gaining assistance from the regional organizations and undemocratic behavior by the executive will occur with less pressure from the regional community.

The only exception to this “Club of President’s” hypothesis is that when the incumbent abuse is an autogolpe, there will be a more forceful response, including condemnation and invocation of 1080 or the IADC. However, when it is a case of presidential abuse of power that falls short of an autogolpe, the response from regional organizations will be limited or non-existent. My third hypothesis can therefore be stated as:

*Hypothesis 3: If the crisis is one that threatens the president of the crisis country, the crisis is more likely to receive a response that invokes Resolution 1080 or the Inter-American Democratic Charter.*

The dependent variable is broadly defined as the responses from regional intergovernmental organizations, with a focus on the OAS since it is the only organization whose membership includes all of the cases in my study. The other sub-regional IGOs, such as the

Common Market of the South (Mercosur) and the Union of South American Nations (UNASUR), will be addressed in the case studies.

In order to clarify the variety of potential responses available to the main regional IGO of focus, the OAS, I divide the types of responses into six main ways the Organization can respond. The responses available to the OAS start with actions that require the least amount of political will and agreement and end with formal actions that require significantly more political will and agreement.

Firstly, the OAS can choose to not respond to a crisis at all. In other words, the Secretary General of the OAS may make some comments or a statement on an issue, but neither the member-states nor the Secretary General call for the convocation of a permanent council meeting. The issue can also never be addressed at all by any entity of the OAS, neither by the Secretary General nor by the representatives of the member-states at the OAS. As a result, even if a crisis is occurring, the OAS can stay silent on the issue, leading to no response.

The first action the OAS can take is whether the Permanent Council holds a meeting to discuss the crisis. The Permanent Council of the OAS meets on a regularly scheduled basis, but can also be called to convene in order to address a specific issue or crisis. If a crisis is discussed in a regularly scheduled meeting, I count that as a meeting of the Permanent Council regarding the crisis, regardless of whether the meeting was specifically called for that individual event. In this way, I can review how the OAS member-states are discussing crises and determining action, even when it is brought up as part of the agenda during a regularly scheduled meeting.

The second action the OAS can take is the passage of a Resolution by the Permanent Council regarding the crisis. Resolutions from the OAS represent that a meeting of the PC has occurred, that the member-states have reviewed the crisis, and that they have all agreed on a

statement regarding the crisis. While the passage of a Permanent Council Resolution represents an agreement among the member-states of the OAS, it does not represent the most extensive action the OAS can take, either with regards to resolutions or to other actions. As a result, it is important to differentiate between resolutions that refer vaguely to the defense-of-democracy norms of the organization as opposed to those that specifically invoke the primary democratic instruments (Resolution 1080 and the Inter-American Democratic Charter in the OAS). In order to invoke these primary documents, there must be higher levels of political will, agreement on the nature of the crisis, and agreement on what types of outcomes follow from the invocation of the resolution. In other words, the OAS can either pass only a resolution expressing support for the embattled government or condemning the events of the crisis in a member state or they can pass a resolution that specifically invokes the primary democratic instruments as part of the response. These are considered two separate responses, as the need for consensus on whether to invoke the primary democratic instruments is greater, since the invocation sets into motion a series of mechanisms to respond to the crisis. I will discuss those mechanisms in further detail shortly.

The OAS can also send missions to the crisis country. These missions include fact-finding missions, where a designated member or group from the OAS goes to the country to meet with government and opposition officials to better understand the situation on-the-ground as well as good offices, where the Secretary General of the OAS or another respected individual or group visit the country, using the weight and prestige of their office, to comment on and discuss the situation in the crisis country. Political missions can also include mediation attempts, whether short-term or long-term. Due to the variation of the extent of each mission in terms of authority, commitment, and time, they are considered to be three distinct responses from regional

organizations, held broadly under the term “political missions.” As a result, they will be studied as three different responses available to the OAS. It is important to note that the OAS can send missions to member states without explicit permission from the Permanent Council, but due to the influence of sovereignty as a key norm in the region, the undertaking of a mission still requires the consent of the crisis state.

Finally, the OAS can suspend a member from the organization. This response has only been used twice in the history of the OAS: the first was the suspension of Cuba in 1962 following the deterioration in relations between the United States and Cuba in the post-revolutionary period. The second was the suspension of Honduras in 2009 following the coup d’etat against President Manuel Zelaya. Mercosur has also suspended a member-state in response to a democratic crisis, suspending Paraguay after the impeachment and removal of President Fernando Lugo in 2012. Since suspension is used so rarely, but constitutes the most severe punishment regional organizations can level against a member-state, I include threats of suspension as a response the OAS can take- since the threat of suspension can sufficiently warn a member-state of the consequences of continuing with an undemocratic action.

With regards to invocation of the primary democratic instruments and the suspension of a country from the OAS, it is important to note the specific clauses of the Organization of American States that authorize those actions. Resolution 1080, adopted at the OAS General Assembly Meeting in 1991, instructs the Secretary General of the OAS to call for the immediate convocation of the Permanent Council to address “any occurrences giving rise to the sudden or irregular interruption of the democratic political institutional process or of the legitimate exercise of power by the democratically elected government in any of the Organization’s member states” so that the Permanent Council can analyze the situation and determine whether to convene an ad

hoc meeting of the Ministers of Foreign Affairs, or a special session of the General Assembly. The meeting of the Permanent Council and the meetings of either the Ministers of Foreign Affairs or General Assembly must occur within a ten-day period. If a special session of the General Assembly or meeting of Ministers is called, the purpose of the meeting is “to look into the events collectively and adopt any decisions deemed appropriate, in accordance with the Charter and international law” (AG/Res. 1080 (XXI-O/91)).

Section Four, Articles 17-22 of the Inter-American Democratic Charter fall under the heading, “Strengthening and Preservation of Democratic Institutions,” and form the basis of the defense of democracy clauses for the Organization since 2001.<sup>5</sup> These Articles can be divided into two main groups: The first group includes Articles 17 and 18 and “provide the basis for constructive, preventive, and proactive collective action” (Cooper 2004, 106). The government of a member state can invoke Article 17 if it considers that “its democratic political institutional process or its legitimate exercise of power is at risk.” If a member state requests the invocation of Article 17, the government can seek additional assistance from the Secretary General or the Permanent Council for the strengthening and preservation of its democratic system.

As noted by Cooper (2004), Article 18 establishes the notion of “community watch” or “collective vigilance” in that the Secretary General or a member state of the Permanent Council can request the application of Article 18 when a situation “arises in a member state that may affect the development of its democratic political institutional process or the legitimate exercise of power.” However, in order for the Secretary General or Permanent Council to arrange for visits or other actions to analyze the situation, the member state in question must give prior consent. As noted by Cooper (2004: 106), Articles 17 and 18 take into account and try to balance

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<sup>5</sup> The full text of these articles is located in the appendix.

the norms of sovereignty and “community watch” by allowing for the invocation of the articles in a proactive way, but still function as a “by invitation only” or “prior consent principle” as a requirement for collective action from the OAS. Specifically, Article 18 means any member state can request the application of Article 18 if there is concern about the development of democracy in another state, but the member state of concern can refuse to allow the visits or other actions authorized by Article 18.

The second group, Articles 19-22, authorize the Organization to take action if there is an unconstitutional interruption of the democratic order or if there is an unconstitutional alteration of the constitutional regime. Articles 19, 20, 21, and 22 refer to the actions the main institutions of the Organization, the Permanent Council and General Assembly, are authorized to take if there is an “unconstitutional interruption of the democratic order or an unconstitutional alteration of the constitutional regime that seriously impairs the democratic order in a member state” (IADC Article 19). In the cases that meet the definition of unconstitutional interruption, any member state or the Secretary General is authorized to convene the Permanent Council to assess the situation and to “take such decisions as it deems appropriate” (Article 20). If diplomatic initiatives fail, the Permanent Council can convene a special session of the General Assembly, during which the General Assembly, with an affirmative vote of two thirds of the member states, can suspend a member state. If a country is suspended, the Organization will continue to attempt to restore democracy in the state through diplomatic initiatives (Article 21). The state can be readmitted after the “situation that led to the suspension is resolved” and an affirmative vote of two thirds of the member states in the General Assembly can lift the suspension of the state (Article 22). One of the key issues in the Organization, and one I’ll discuss in greater detail in the

theory section, is how “unconstitutional alteration or interruption” is understood and how that affects the responses to presidential crises in Latin America

### 1.5 *Universe of Cases*

My universe of cases is “presidential crises” in Latin America and encompasses multiple threats against the elected president (coup d’etats (both successful coups and attempted, but unsuccessful coups), dubious impeachment proceedings and other dubious congressional maneuvers, and social protests demanding the resignation or removal of the president, as well as democratic crises perpetrated by the president in office, such as autogolpes and cases of presidential abuse of power. I primarily choose from the crises identified in the works by Dexter Boniface (2007), Jennifer McCoy (2006), and Leiv Marsteintredet (2014), with some additions to account for the post 2007 period and crises outside of Marsteintredet’s universe of cases.<sup>6</sup> For the current project, I limit the cases to the region of Latin America, excluding the Caribbean, for a variety of reasons. The first is to control for government type: all cases in my selection are presidential systems. This excludes countries such as Haiti and many Caribbean countries that are semi-presidential or parliamentary systems. I focus on the region of Latin America due to the development and strength of the defense-of-democracy regime compared to other regions in the world. Although the African Union and ASEAN include provisions for democracy in their charters, they do not have the same extent of shared history nor do they have a defense-of-democracy regime as extensive as the one in Latin America. As Van Klaveren notes, the development of the norms regarding democracy promotion in the region means “Latin America has become the only effective testing ground for international democratic activism in the developing world” (Van Klaveren 2001: 121).

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<sup>6</sup> Marsteintredet’s universe of cases is focused on presidential interruptions, meaning the “premature, extraordinary, and forced exit of an elected president that does not lead to a democratic breakdown” (2013: 2). He does not include abuses of power by the executive, nor does he include cases in which the executive survived the removal attempt.



The list of cases and the nature of the case is on the next page in Figure 1.3.

Figure 3: List of Crises

<b>Threats to the Executive (n=16)</b>	Nature of Crisis	<b>Presidential Overreach of Power (n=15)</b>	Nature of Crisis
Venezuela 1992	Coup d'état attempt	Peru 1992	Autogolpe
Paraguay 1996	Coup d'état attempt	Guatemala 1993	Autogolpe
Ecuador 1997	Questionable impeachment	Peru 2000	Electoral Fraud
Paraguay 1999	Coup d'état attempt	Ecuador 2004	Inter-branch conflict
Paraguay 2000	Coup d'état attempt	Bolivia 2006	Constituent Assembly Conflicts
Ecuador 2000	Coup d'état	Bolivia 2007	Constituent Assembly Conflicts, mass protests
Argentina 2001	Mass protests and presidential resignation	Venezuela 2007	Government refuses to renew broadcasting license for opposition media
Venezuela 2002	Coup d'état attempt	Ecuador 2007	Constituent Assembly Conflicts
Bolivia 2003	Mass protests and presidential resignation	Nicaragua 2008	Electoral Fraud
Peru 2004	Mass protests against the president, no resignation	Nicaragua 2009	Lack of separation of powers
Bolivia 2005	Mass protests and presidential resignation	Panama 2009-2010	Executive allegedly spied on opposition figures
Ecuador 2005	Mass protests and questionable removal of president	Venezuela 2009	Lack of separation of powers, curtailed opposition powers
Nicaragua 2005	Questionable impeachment threat	Venezuela 2010	Lack of separation of powers
Honduras 2009	Coup d'état	Nicaragua 2010	Lack of separation of powers
Ecuador 2010	Police protest with some violence	Nicaragua 2011	Lack of separation of powers, electoral fraud
Paraguay 2012	Questionable impeachment		

### 1.6 *Methodology*

I employ a multi-method approach to test my argument. Due to the medium-N nature of my universe of cases (31), I use correlation and chi-squared tests represented in cross-tabulations tables to first investigate the relationship between the independent variables and the dependent variable, disaggregated into six response types available to the Organization of American States

Permanent Council and General Assembly (OAS).<sup>7</sup> I then investigate two sets of paired case study comparisons, choosing two cases from the coup crises group and two from the near-coup crises group to determine how well my theory transfers to cases that are not explicitly clear and severe. The cases to be studied are: Group One (Coup Crises): Ecuador 2000 and Honduras 2009 and Group Two (Near-Coup Crises): Bolivia 2003 and Ecuador 2004-2005. After the paired case studies, I demonstrate that regional intergovernmental organizations in the Americas can generally be characterized as clubs of presidents that are more likely to ignore violations of the democratic order by an executive but respond when a president is being challenged. I look at numerous cases across time to demonstrate that this argument holds not only for the OAS, but also for Mercosur and UNASUR.

The use of paired case-study approaches as a method to study political phenomena can be justified by reviewing the arguments of George and Bennett (2005) and King, Keohane, and Verba (1994). They argue that well-designed and executed case study designs can lead to “valid causal inferences” (King, Keohane, and Verba 1994: 45) and that case studies can often capture details that large-N statistical models cannot. In the case studies, I use process-tracing to determine the causal effects of my independent variables on the variation of intergovernmental responses. Process-tracing as a method has received strong support from scholars in the discipline based on the ability of process tracing in case studies offering “thick descriptions” to demonstrate the causal mechanisms underlying a relationship (Crasnow 2012: 657; George and Bennett 2005). Additionally, case studies using process tracing allow researchers to observe the process and mechanisms driving a relationship that quantitative research is less able to capture (Crasnow 2012; Laitin and Milner 2002).

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<sup>7</sup> The six types of responses available are: (1) No response, (2) Meeting of the Permanent Council, (3) Resolution passed by Permanent Council, (4) Invocation of 1080 or IADC in resolution, (5) Authorization of a mission (fact-finding mission, mediation, good offices, etc) and (6) threat of or implementation of sanctions.

### 1.7 *Significance of Question*

The variation in international responses to democratic crises in Latin America deserves further attention for a variety of reasons. While much literature is written about the role of international actors and crises, there are few systematic studies that address the question of why international organizations intervene in some cases and not others, and why they choose the type of response they choose. The literature review demonstrated that there have been attempts at understanding the variation in responses to democratic crises, but that the literature tends to focus on an overall summary of the types of threats with minimal attention paid to the mechanisms underlying the variation in responses. Additionally, the literature fails to address variation in the cases that aren't clear instances of a crisis or aren't severe threats to democracy. As a result, the field is lacking explanations for variations in responses from IGOs to crises that erode democracy over time. Without an understanding of the reasons behind the variations in these responses, we will be limited in our ability as scholars to inform practitioners of ways to support and strengthen democracy in the region.

In addition, this project seeks to add to the literature by focusing on the role of international organizations in domestic democratic crises, particularly crises that present a threat to presidential power. Since much of the literature on international intervention and mediation focuses on either interstate conflicts or intrastate conflicts during wartime, this project changes the focus and adds to the literature on international intervention by looking at the role of international actors and their responses during democratic crises that do not reach the same levels of violence as civil wars or other conflicts. It also adds to the literature by building on prior work regarding international intervention in domestic crises by seeking to understand the conditions under which international actors intervene in these crises and which response they choose. It is also important to look beyond the responses of the Organization of American States at other

regional organizations, such as UNASUR and Mercosur, especially since these organizations also include defense-of-democracy clauses as essential parts of their institutional charters.

Finally, the focus on presidential crises as a subset of democratic crises adds to the literature by narrowing in on a key set of crises to democracy that encompass not only opposition or inter-branch politics, but also the abuse of power by an executive. Since presidential systems are the dominant institutional model in Latin America and the stability of presidential systems for the consolidation of democracy has been questioned, presidential crises represent a vital area of study (Linz 1990; Stepan and Skach 1993; Lamounier 1994). If the stability and consolidation of democracy are more difficult in presidential systems, and if the norm of international response is growing in the region, we should expect to see a more consistent application of the defense of democracy to cases that pose the clearest threat to democratic stability: threats to the president.

### *1.8 Outline of the Remaining Chapters*

In the next chapter I will discuss in more detail how the clarity and severity of a crisis determines the international response, and how one theoretically deals with cases in which the levels of clarity or severity vary. When a crisis isn't clearly a violation of the charter or Resolution 1080 and severity varies, what determines the extent of response from regional organizations? I argue that the components of bounded rationality matter, in that time, ideological polarization in the organization, imperfect information, and uncertainty regarding the consequences of responding to unclear crises determine the variation of responses. Chapter 3 provides empirical tests and analyses of the data and hypotheses, demonstrating correlation between the main explanatory variables and responses from the OAS.

Drawing from the empirical demonstrations of the argument, I turn to an in-depth discussion in Chapters Four and Five of paired case-study comparisons to demonstrate how variations in severity and clarity in similar types of crises led to a divergence in responses for

those crises. I also demonstrate in the case study chapters the role of the intervening variables of time, polarization, information, and uncertainty. Chapter Six tests the “Club of Presidents” argument, demonstrating that regional IGOs in Latin America are biased towards protecting presidents, especially if and when a president explicitly requests assistance (regardless of the severity of the crisis). In addition to protecting presidents when they are being threatened, regional organizations are less likely to punish a president for undemocratic behavior. I demonstrate this argument through a broad comparison of numerous cases incorporating cases of threat to the executive as well as instances of presidential overreach. In the conclusion, I discuss the implications of my findings for the defense of democracy in Latin America and the role of regional IGOs in promoting democracy in Latin America.

## 2 Chapter Two: A Theory of Clarity and Severity in Domestic Democratic Crises

As demonstrated in Chapter One, it is apparent that there has been variation in responses to the variety of democratic crises seen in the Western Hemisphere since the end of the Cold War. What explains this variation in responses from intergovernmental organizations (IGOs) to democratic crises in Latin America? Prior arguments fail to account for why this variation exists or fail to delve deeper into why states are less willing to address issues of democratic deepening than they are to address issues of democratic survival. The argument for this project is that as states calculate their own self-interests and their own ability to respond to a democratic crisis, the clarity and severity of the crisis in question determines the variation of responses. Ultimately, as I will show in this chapter, when clarity and severity are high, member states in international organizations are more likely to agree on a response and act based on that agreement. However, when clarity and severity are low, other factors, such as ideological polarization, time, imperfect information, and the uncertainty of the consequences of action become more important in determining whether there will be a response. By incorporating these other factors into the process of decision-making in regional IGOs, I develop a theory that explains the variation in responses to crises that are neither clear nor severe and, by doing so, demonstrate the limitations of regional IGOs in responding to democratic crises in Latin America.

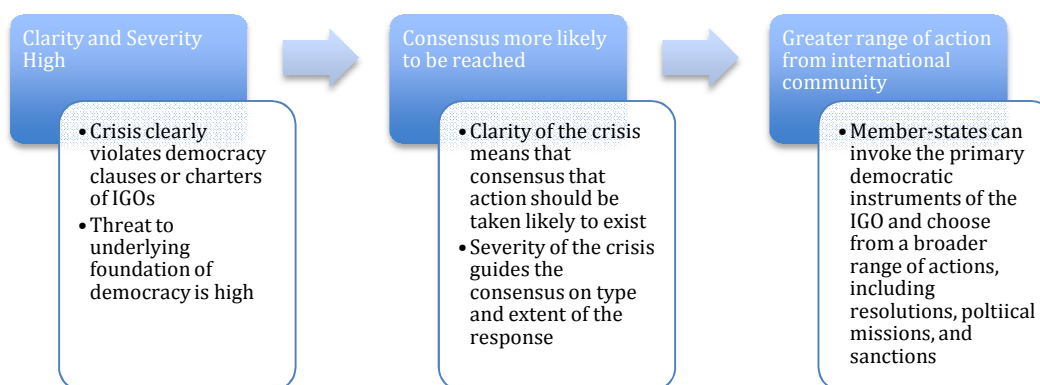
### 2.1 *Why Clarity and Severity Matter*

There are two main arguments regarding the roles of clarity and severity for this project. The first is that high levels of clarity (defined as how clearly the crisis is a violation of the primary democracy clauses of the OAS) and severity (defined as the extent to which the crisis threatens the fundamental foundation of democracy in the crisis state) lead to stronger responses

from IGOs. When a crisis is clear and severe, the member-states of a regional IGO are more likely to not only convene a meeting and pass a resolution, but the resolutions are more likely to invoke the primary democratic instruments and the member-states in the regional IGOs are more likely to agree to send a mission to address the crisis.

Clarity and severity matter primarily because during crises of high clarity and severity, member-states are more able to agree on the type of crisis and how to respond to it. They can more easily identify that the crisis is a violation of the democracy clauses and commitments of the regional organizations and can then use those as a guide for how to respond to the crisis. In other words, when a crisis is clearly a violation of the democratic order and the crisis is a threat to the fundamental foundation of democracy in a crisis state, the actors are more likely to agree on the type of crisis and how best to respond to it to restore the democratic order. They can then act based on a collectively perceived “clear” and “severe” violation, using a greater range of responses available to the regional IGOs. This relationship between clarity, severity, and responses to democratic crises by regional IGOs is represented in Figure 2.1 below.

**Figure 4: Relationship Between Clarity, Severity, and Responses**



The second argument regarding clarity and severity is that when either clarity or severity is low, other factors, namely ideological polarization, time, information, and uncertainty

regarding the appropriateness and consequences of acting, are likely to influence the response from regional intergovernmental organizations. High levels of clarity and severity play a mitigating role on the impact of these other factors in regional IGOs. As a result, when clarity and severity are low, we need to consider the impact of these other factors, as their role is important in explaining the variation of responses from regional IGOs to democratic crises in Latin America. Drawing from Simon's (1947, 1979) and March's (1994) works on decision-making behavior, the role of imperfect information, uncertainty, ideological polarization, and time can help to explain how and why regional intergovernmental organizations in Latin America do not respond consistently to democratic crises that lack clarity and severity. A theory that builds on their prior work will help us understand more clearly the reasons for the variation in responses to crises of low severity and clarity.

## 2.2 *When Clarity and Severity are Low: The Role of Information, Time, Uncertainty, and Polarization*

The importance of information in politics grounds itself primarily in rational choice theory. According to rational choice theory, individuals are utility maximizers who seek to gain the outcome that most closely aligns with their preferences. Models of rational choice theory tend to assume that actors have perfect or near-perfect information, that actors make decisions based on the logic of consequences, that there are few, if any, competing preferences, and that actors have the ability to weigh all choices and consequences (March 1994: 4). In pure rational choice theory, if an actor's choices appear to be suboptimal to an outside observer, it is because "the observer's perspective is incomplete" and that actors are usually involved in multiple games that may change the optimal outcome for the whole network of games (Tsebelis 1990, 7). However, the assumption that actors have perfect information is not reflective of reality in international politics. As Simon (1979) argues, actors do not have access to perfect information



and as a result, they are bound to the information they have, their ability to process that information, and the timeframe within which they are able to act (see also March 1994). We can explain the apparent suboptimal outcomes in decision-making behavior as a result of the limitations of knowledge on human beings and note that while individuals intend to be rational, they are only rational to the extent of the information they have.

The role of information in decision-making is the main crux of not only limited rationality, but also a significant part of my theory of decision-making during democratic crises. Pure rational choice theory assumes perfect information and that the preferences of actors are known and ordered. In reality, information is not perfect nor are the preferences of actors clearly and neatly ordered over time, leading to variations in ideological polarization in regional organizations. If applied to cases of democratic crises, this reality of bounded rationality and changes in ideological polarization means that IGO behavior will be greatly affected by how clear a crisis is- that is, given limited information, ideological polarization, uncertainty over the consequences of responding, and time constraints, cases of clear crisis are ones that are easier for IGOs to respond to. When a crisis is not clear, these other factors affect whether or not the regional IGOs will respond to a crisis.

With regards to information, the highly interconnected world in which these crises are occurring means we are often dealing with multiple types of actors such as government officials (i.e. ambassadors), opposition actors, governments of states, nongovernmental organizations, and representatives of intergovernmental organizations, offering information in any given crisis. The preferences and biases of these various groups are likely to conflict with one another, and the information each actor considers and acts from will vary. This is where the clarity of a crisis matters most: if the crisis is clearly a violation of the democratic order and consensus exists on

what is occurring, then biases are less influential, polarization can more easily be overcome in the organization, it takes less time to determine a response, and appropriate reactions can be more clearly linked to the fundamental democracy clauses and charters of the intergovernmental organizations to offer credence and legitimacy to the actions of the international community, making those actions more likely to be based on a consensual decision within the organization.

When there is a lack of clarity as to whether a situation constitutes an interruption or alteration of the democratic order, consensus is more difficult to achieve and responses from the international community are less likely to include the invocation of the primary democratic instruments and are more likely to consist of either no response at all, or be limited to statements of concern from individual states, statements from the OAS Secretary General, or a meeting of the member-states but with no further actions (i.e. no resolutions, no missions, etc). At this point, actors are more likely to be biased by preexisting beliefs and will tend to overlook facts that contradict their prior beliefs, leading to greater influence of ideological polarization in the IGOs. As March (1994) states: “They (decision makers) are more likely to seek to confirm their existing information than to acquire or notice disconfirming information” and “tend to rely from one cue and exclude others from consideration” when inconsistent information comes to light (38). It is easier for actors to work from their preexisting biases and use those to direct their actions when the clarity of a crisis is questioned. This theory is supported by the work of Daniella Donno (2010), who argues that the variation in responses from international organizations to electoral misconduct can be explained by two main factors: competing geopolitical interests and the degree of uncertainty regarding the extent and intentionality of the misconduct. Where there are higher levels of uncertainty regarding the electoral misconduct, it is less likely that the international community will respond.

To add to the difficulty of incomplete or irrelevant information for decision-makers, the regional documents that address democratic defense are not clear on what constitutes a violation of the commitments to democracy in the various agreements, leading to a lack of information on the basis of what would constitute a response. For example, the definition of a “sudden or irregular” alteration is not spelled out in the resolutions of international organizations, and as a result it is much more understandable why international responses to crises vary. Agreement on what constitutes a representative democracy has also been contentious, with the Inter-American Democratic Charter (IADC) of 2001 being the first to start to clearly attribute characteristics to representative democracy. “Essential elements” of representative democracy, according to the IADC, are items such as: “the holding of periodic free and fair elections” and “respect for human rights and fundamental freedoms” (IADC Section 1, Article 3)<sup>8</sup>. Various interpretations of human rights and the responsibilities of the state in providing and securing those human rights are present in governmental discourse amongst the international community. However, despite the growth of a consensus on what constitutes representative democracy, the IADC is still vague as to what constitutes an interruption or alteration of the democratic order (McCoy 2001, Cooper 2004: 107). Without clarification of what constitutes a violation of the democratic order or the constitutional regime and without the explicit understanding of the extent to which the OAS and other IOs have responsibility for democratic consolidation, the role of competing information, ideological polarization, and a lack of clarity on what constitutes a violation of the democratic order will continue to limit the ability of the international community to address crises as they

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<sup>8</sup>The full text of Article Three of the IADC is:

“Essential elements of representative democracy include, *inter alia*, respect for human rights and fundamental freedoms, access to and the exercise of power in accordance with the rule of law, the holding of periodic, free, and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people, the pluralistic system of political parties and organizations, and the separation of powers and independence of the branches of government.” Article Four also includes transparency, respect for social rights, freedom of expression and the press, civilian-led government, and respect for rule of law as essential elements of democracy.

unfold. As March argues, without a common understanding of what a crisis entails “decision makers may have difficulty acting, and social systems may have difficulty enduring” (1994: 39).

In order to understand the role of information for my specific case studies, I sought to ask a combination of specific and general questions that addressed the role of information, such as how the international and national actors themselves defined the crisis or an interruption and/or alteration of the democratic order and how they addressed and evaluated events that were not clearly unconstitutional, but did clearly violate the spirit of representative democracy in the region. Beyond these interviews, I also analyzed the documents from the IOs to determine how the actors labeled the crisis. Did they have consensus about the type of crisis occurring, or were there different, competing labels? When there was a disagreement over what was occurring in a particular country or whether the actions of the government or opposition were violating the democratic order, the clarity of that crisis was lower and action from the OAS or other regional organizations was less likely.

With regards to time, one of the main critiques of international organizations, and the Organization of American States in particular, is that the rules of the Organization lend themselves to delayed action as opposed to the ability to act quickly and decisively in the face of a democratic interruption (Barnett and Finnemore 1999; Hardt 2009). This critique is not only applicable to the OAS, but also to the other regional IGOs. In the OAS, most actions by the organization require a two-thirds vote, although consensus decision-making is typically preferred for most actions taken by the Permanent Council. Similar to the rules of the OAS, a unanimous vote is necessary to suspend a member-state from Mercosur, per Article Six of the Ushuaia Protocol. The same is true according to the Charter of the recently formed Community of Latin American and Caribbean States (CELAC). The need to have consensus among the member-

states of the organizations leads to a situation where decisions may take longer to make and, more importantly, consensus may not be achieved, leading to limited action. In some cases, timing is even more important in that the organizations may not even have time to meet before the immediate crisis is over, such as Venezuela 2002.

Even though some of the organizational rules seem to allow for quick action, member-state reactions can hamper any further progress. For example, in the OAS any member can request convocation of the Permanent Council, but further action can be stymied by divisions amongst the actors or by stalling tactics of the crisis state, as we saw between Venezuela, Panama, and the OAS during the crisis in Venezuela in March 2014. Where events are more clearly democratic crises due to the undemocratic behavior of actors, consensus is more easily achieved, thus making the response from the international community more likely to be quicker and stronger. When an event in a member state is less clearly a violation of the primary democratic instruments, actors must spend more time discerning whether the event necessitates a response from the international organization as well as what type of response is appropriate for the balancing of democratic defense and sovereignty of the member states. A less clear crisis also requires time of the decision-makers for them to discern from which sectors the threat is coming from and which responses will best fit the crisis. That being said, the Secretary-General of the OAS and the individual ambassadors of the member-states are still able to express their concern over a crisis, support for or condemnation of different actors within a member-state during a crisis, and to call for meetings with the Permanent Council over a crisis in a member-state. So while timing and information may mean that more in-depth responses, such as sanctions from IOs or states, military action, or mediations, are less likely to occur, we may still see statements

(diplomatic responses) from the Secretary-General of the OAS and public officials of the member-states in the region, although the weight of such actions is much less.

### 2.3 *The Role of Uncertainty and Polarization*

The historical experience of many of the Latin American states is one of unbridled intervention in their domestic affairs by either the government of the United States or by multinational corporations supported by the United States. As a result, the norm of sovereignty, especially with regards to democratic deepening, is guarded by the states of the region. There is still the belief by many Latin Americans that the United States will overstep the bounds of sovereignty when it benefits the U.S., despite the consequences for Latin Americans. Uncertainty of the consequences of violating the principle of sovereignty in order to defend democracy in a neighboring state creates hesitation among the states of the region. As Arceneaux and Pion-Berlin point out, the difference in the willingness of international actors to respond to crises that are less clear may be because they fall into the realm of democratic deepening, rather than democratic defense, and other states will “tend to not push too far for democratic deepening” due to concerns not only regarding the notion of sovereignty, but also because states do not want their own “internal system to be looked at too deeply” (2005: 20). The uncertainty regarding the evolution of a norm that deepens the ability of external actors to comment and respond to domestic issues threatens the leaders of many Latin American states who recall a time when the United States and other actors were often deeply involved in the domestic affairs of the states within the region. Additionally, the fear that international organizations may not support them if they are ever in a crisis situation may also mean that they attempt to stonewall any action from the international organization while trying to find alternate ways to manage the crisis domestically, using the principle of sovereignty to prevent action from regional organizations. Combine these concerns with the fundamental dissonance between the principles of non-

intervention and democratic defense and timely action from regional organizations has multiple obstacles to overcome.

The role of competing norms and ideological polarization within the organization is also a vital point to address. The most obvious competing norms that have led to polarization are the norms of democratic defense (especially as described in Resolution 1080 and the IADC from the OAS and the Ushuaia Protocol from Mercosur) and the principle of sovereignty. The competition of these norms is not unique to the Americas, especially as the norm of democracy continues to find additional strength in the global community. However, the legacy of European and U.S. intervention in the affairs of Latin American states has also led to a system where sovereignty is fiercely guarded within the region, especially when the governments in power are from the left of the political spectrum. Consensus on the balance between sovereignty and democratic defense has not yet been achieved and an agreement on democratic deepening and the role of the international community seems even more distant. While Arceneaux and Pion-Berlin (2005) argue that democratic defense has been steadily moving towards the realm of high politics, and therefore sovereignty is less of a barrier, the lack of clarity on when and to what extent a crisis counts as democratic defense remains a barrier to collective action.

Ideological polarization among the key actors both in and out of the regional IGOs also contributes to the variation in the responses of the international community in the face of democratic crises. These competing differences can exist not only between the representatives of different member-states within an organization, but also between the representative to an organization and his or her home government. As decision-makers are analyzing their own position, preferences, and potential actions, they are also considering the likely position of other decision-makers with whom they are interacting. March (1994) argues “each decision maker acts

on the basis of probable actions of the others, knowing that they are doing the same” (38). Especially in cases where information is tightly guarded regarding domestic events in a crisis country as well as concerns of potential crises in a decision-maker’s home country, each actor is analyzing the situation without the full knowledge assumed by pure rational choice theory.

Preferences of the various actors in the region as to which international organization should lead the international response have also been changing drastically in the past decade and, as a result, polarization in the OAS and in the region has increased. The rise of the Bolivarian Revolution and the election of leftists in governments throughout the region led to the development of intergovernmental organizations specifically designed to exclude the United States. In the recent 2014 Venezuela crisis, the Venezuelan government stonewalled action from the OAS, but accepted a visit from a delegation from UNASUR, most likely due to the belief by Venezuelan leaders that UNASUR would be less biased against the Venezuelan government than the OAS. In April of 2014, the Venezuelan government and the opposition in Venezuela agreed to a dialogue between them, with UNASUR and the Catholic Church mediating. The rise in the number of regional organizations means that different preferences will become even more apparent as alternatives to the OAS emerge.

The variation in the combination of these four factors- information, time, uncertainty and polarization- leads to the variation in the responses by international actors to different democratic crises. Figure 2.2 below demonstrates this argument.



**Figure 5: The Impact of Intervening Factors when Clarity or Severity is Low**

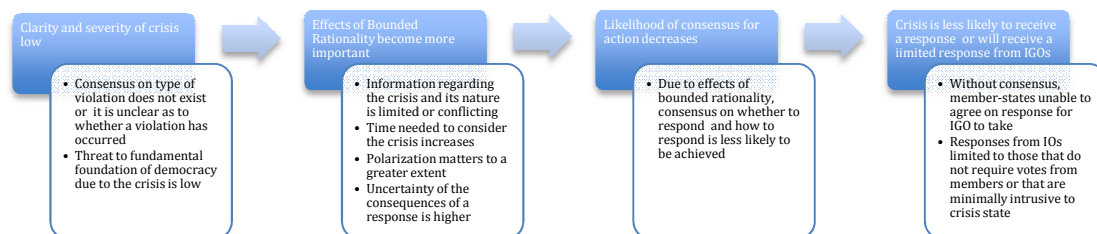


Chart 2.2 demonstrates how the four factors described above impact the likelihood of a response from regional intergovernmental organizations during crises where clarity and severity are low. When clarity or severity are low, the likelihood of consensus regarding the type of crisis as well as the threat it poses to the fundamental foundation of democracy is lower, meaning the effects of time, imperfect information, ideological polarization, and the uncertainty of a response are larger. As a result, consensus is less likely to be achieved among the member-states of the IGO and action in response to the democratic crisis is likely to be limited, or, in some cases, to not exist at all. The expected responses from the OAS during variations in clarity or severity are demonstrated in Figure 2.3 below.

**Figure 6: Variations in Severity and Clarity and OAS Responses**

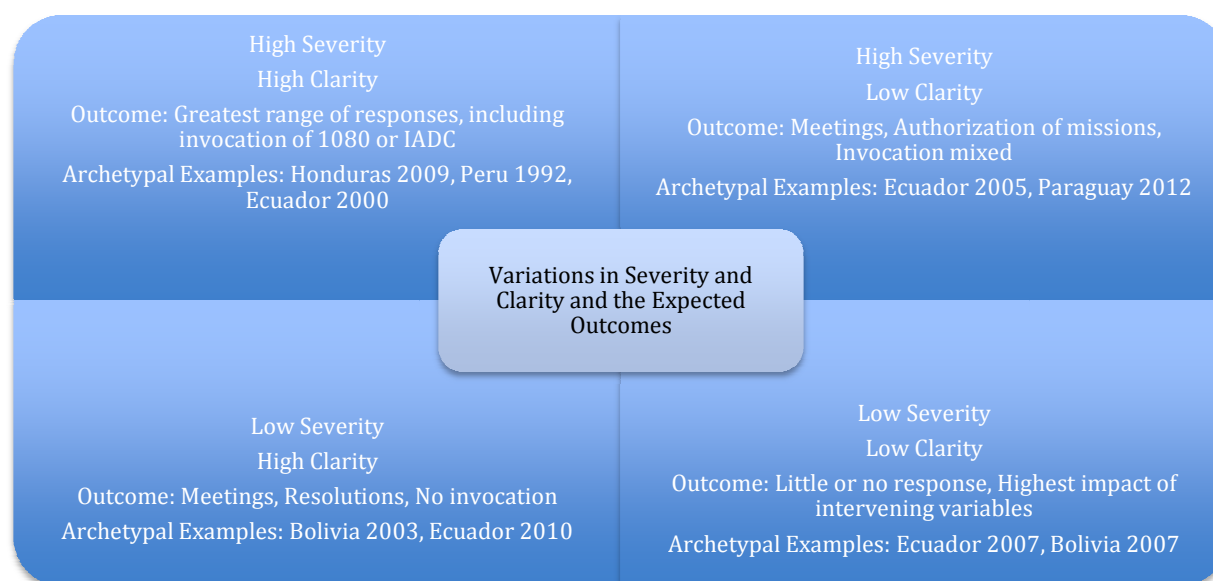


Figure 6 demonstrates the expected relationship between clarity, severity and responses from the OAS as the levels of clarity and severity vary. In cases of high severity and high clarity, I expect to see the greatest range of responses, with the Permanent Council of the OAS holding a meeting, issuing a resolution, and invoking the primary democratic instruments, such as Resolution 1080 or the IADC. In these cases, the impact of the intervening variables of uncertainty, information, polarization, and time is lowest. Examples of this type of crisis include the coup d'état in Honduras (2009), the autogolpe by President Alberto Fujimori in Peru (1992), and the coup d'état in Ecuador (2000).

In cases where the severity of the crisis is high, but where the clarity of whether the crisis is a violation of the primary democratic instruments is low, I expect to see the OAS Permanent Council meet and fact-finding missions to be sent. Resolutions from the Permanent Council and invocation of the primary democratic instruments for those crises are likely to be mixed. I expect to see divisions amongst the member states on whether the invocation of those documents is appropriate, especially since it is not clear if the crisis falls under the jurisdiction of the primary

democratic instruments. I also expect to see hesitancy regarding the issuance of resolutions because the lack of clarity on whether the crisis is a violation of the primary democratic instruments will also lead to a division on the underlying reasons for the crisis and the appropriate response to the crisis. As a result, the OAS Permanent Council will be less likely to be able to come to agreement regarding a course of action, leading to more limited responses. Examples of this type of crisis include Ecuador 2005 (the removal of President Lucio Gutiérrez by Congress for “abandoning his post”) and Paraguay 2012 (the questionable impeachment proceedings against President Fernando Lugo).

When a crisis is one of low severity but high clarity, meaning it is clear that the primary democratic instruments could be invoked if the crisis continues, but the situation has not yet evolved into a crisis of high severity, invocation is less likely. I expect the Permanent Council to hold meetings and issue resolutions regarding the crisis, but the invocation of the primary democratic instruments will occur only when the government in crisis explicitly requests the invocation. Examples of this include the mass protests against and eventual resignation of Bolivia President Gonzalo Sánchez de Lozada (2003) and the request by the Bolaños government of Nicaragua (2005) to invoke the IADC in response to impeachment threats and the reduction of presidential powers by the legislature.

Finally, when crises are not clear and not severe, the responses from the OAS will be limited or non-existent. The OAS Permanent Council is not likely to hold an extraordinary meeting to discuss the crisis, and without a meeting, the Permanent Council will not issue a resolution nor authorize any additional missions. In the rare instance that a crisis of low clarity or severity is addressed in an ordinary or extraordinary meeting of the Permanent Council, the intervening variables of uncertainty, polarization, time, and information are likely to have a

greater impact. If there is a response to the crisis in a situation of low severity and clarity, the crisis state is likely to have made the request and will guide the response of the OAS to the crisis. Examples include the constituent assembly process in Bolivia (2007), the constituent assembly process in Ecuador (2007), and instances of presidential overreach in Nicaragua (2008, 2009, 2010) and Venezuela (2007, 2009, 2010). A table with the cases in each category is located in the appendix.

#### 2.4 *Conclusion*

In this chapter, I argued that clarity and severity act to mitigate the influence of polarization, time, uncertainty, and imperfect information and therefore help determine the variation in responses for crises when clarity or severity are low. When a crisis is clearly a violation of the primary democracy clauses of the regional intergovernmental organizations and the crisis presents a threat to the fundamental foundation of democracy in the crisis state, the member-states of the regional intergovernmental organizations are more likely to find consensus regarding the appropriate response to the crisis. In cases of the highest levels of severity and clarity, this means the member-states in the IGOs are also more likely to respond to the crisis by invoking the primary democratic instruments of the IGO. However, when either clarity or severity is low, we must look at the roles of imperfect information, time, uncertainty about consequences of responding, and ideological polarization to explain why regional IGOs have varied in their responses.

In the next chapter I demonstrate the correlation between high levels of clarity, severity, and responses from regional intergovernmental organizations. In the following chapters, I will demonstrate through process-tracing in paired case studies how imperfect information,

uncertainty, time, and polarization have influenced the variation in responses to crises when clarity and severity vary.

### **3 Chapter Three: Presidential Crises and Intergovernmental Responses: Empirical**

#### **Results**

What factors best explain when regional intergovernmental organizations such as the Organization of American States (OAS) respond to a presidential crisis in a member-state? While previous studies have offered explanations, I have argued that they have only offered partial explanations for the variation in responses in Latin America. The explanations of prior studies have pointed to the type of crisis as a reason for the variation in responses (Arceneaux and Pion-Berlin 2005, 2007; Boniface 2007), the role of the regional hegemons in guiding the response of the IGO (Burgess and Daudelin 2006; Shaw 2003), the role of domestic politics in response to the crisis (Levitt 2006), and the influence of norms as a motivation for responses (Boniface 2002). To build on this prior literature, I argue that a more accurate explanation for the variation in responses to presidential crises in Latin America is a rational choice one that demonstrates the importance of the clarity and severity of the crisis in explaining the variation in responses. I argue that when clarity and severity are high, member-states are likely to agree on the type and extent of the crisis, making consensus on action more likely to be achieved, and, as a result, more likely that the regional intergovernmental organizations will respond. When a crisis reaches the highest level of severity and is clearly a violation of the primary democracy clauses of the regional IGOs, the response from the IGOs is likely to include the invocation of the primary democratic instruments. On the other hand, when either clarity or severity is low, the intervening variables of imperfect information, uncertainty regarding the consequences of a response, time limitations, and ideological polarization matter to a greater extent. These factors influence whether the member-states of the organization are able to agree on the type and extent

of the crisis, whether the crisis merits a response from the regional IGO, and finally, what type of response should be employed.

I also argue that the regional intergovernmental organizations of the region are “Clubs of Presidents,” meaning when a crisis is one that threatens the executive in office, such as mass protests calling for his removal or a coup d’etat, the regional IGOs are more likely to respond to support the president in danger. Conversely, when the president is the one abusing power and potentially violating the democracy clauses of the regional IGOs, the regional intergovernmental organizations are likely to either not respond at all or choose less invasive responses. The only caveat to this expectation is that the OAS is likely to respond to autogolpes, which are considered the most egregious cases of presidential abuse of power.

This chapter tests my theory and expectations regarding the relationships between high levels of clarity and severity and the responses of the OAS. I also test the theory that the OAS is more likely to condemn threats to the president than they are to respond to cases of presidential abuse of power. In this chapter, I demonstrate that high levels of clarity and severity are strongly correlated with responses from the OAS. I also demonstrate that the Club of President’s hypothesis also strongly correlates with responses from the OAS and that the OAS is more likely to respond to threats to the president than cases of presidential abuse of power. Due to the small number of cases in my study (31 cases), I focus primarily on correlation tables and chi-squared tests for statistical significance to demonstrate the correlation between my explanatory variables and responses.

For the correlation tests in this chapter, I focus solely on the responses of the Organization of American States (OAS) to presidential crises in the region. The OAS is the only organization that is inclusive of all of the states within my case selection. Since Mercosur and its

mechanisms would only apply to Paraguay after 1998 and Venezuela after 2012, it was not included in the analysis.<sup>9</sup> UNASUR's Additional Protocol on Democracy was not signed until 2010, after the police protests and violence against President Rafael Correa on the 30<sup>th</sup> of September in Ecuador, and was therefore not included. The case studies chosen for the in-depth section will address the role and responses of these other organizations, but considering their lack of applicability to all of the countries within the study, as well as the nascent defense-of-democracy clause for UNASUR, the cross-tabulations used in this chapter are not the appropriate method to compare the responses of the other regional organizations.

This chapter proceeds as follows: in the next section, I discuss the dependent variable and how the dependent variable has been coded to demonstrate the range of responses the OAS can take to respond to a presidential crisis in a member-state. I then discuss the coding of the key independent variables as well as the alternate variables of linkage and leverage. All of the variables for the correlation tests are coded dichotomously. Specific information for the thresholds chosen is included in the coding description for each variable. After each independent variable, I outline the specific hypothesized relationship between the independent variable and the responses from the OAS. I then turn to the presentation of the correlation tests to demonstrate the strength of the relationship between my explanatory variables and responses from regional IGOs.

### *3.1 Dependent Variable: Responses from the Organization of American States*

The dependent variable can be defined broadly as the response from the Organization of American States (OAS). There is a wide range of responses that the OAS can take in the event of a democratic crisis. In order to clarify the variety of potential responses available to the

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<sup>9</sup> The full members of Mercosur are: Paraguay, Uruguay, Brazil, Argentina, and Venezuela. Venezuela gained full membership in Mercosur in 2012, during the suspension of Paraguay.



organizations, I divide the types of responses into six main ways the regional organizations can respond. The responses available to the OAS start with actions that require the least amount of political will and agreement and end with formal actions that require significantly more political will and agreement. The responses are

Firstly, the OAS can choose to not respond to a crisis at all. In other words, the Secretary General of the OAS may make a comment or issue a statement on an issue, but neither the member states nor the Secretary General call for the convocation of a Permanent Council meeting. The issue can also never be addressed at all by any entity of the OAS, neither by the Secretary General nor by the representatives of the member states at the OAS. As a result, even if a crisis is occurring and individual states or the Secretary-General make a comment, there can be a lack of official responses from the OAS to the crisis. For the cross-tabulations, I code “no response” as a general dichotomous variable: if there is a response of any type from the Permanent Council or General Assembly, I code that as a response to the crisis. If there is a complete lack of response from the PC or GA, I code that as a non-response.

The first action the OAS can take is the convocation of a meeting of the Permanent Council to discuss the crisis. The Permanent Council of the OAS meets on a regularly scheduled basis, but can also be called to convene in an extraordinary meeting in order to address a specific issue or crisis. If a crisis is discussed in a regularly scheduled meeting, I also count that as a meeting of the Permanent Council regarding the crisis, regardless of whether the meeting was specifically called for that individual event. In this way, I can review how the OAS member-states are discussing crises and determining action, even when it is brought up as part of the agenda during a regularly scheduled meeting.

The second action the OAS can take is the passage of a Resolution by the Permanent Council regarding the crisis. Resolutions from the OAS represent that a meeting of the PC has occurred, that the member states have discussed the crisis, and that they have all agreed on a statement regarding the crisis. While the passage of a Permanent Council Resolution represents an agreement among the member states of the OAS, it does not represent the most extensive action the OAS can take, either with regards to resolutions or to other actions. As a result, it is important to differentiate between resolutions that refer vaguely to the defense-of-democracy norms of the organization as opposed to those that specifically invoke the primary democratic instruments (Resolution 1080 and the Inter-American Democratic Charter in the OAS). In order to invoke these primary documents, there must be higher levels of political will, agreement on the nature of the crisis, and agreement on what types of outcomes follow from the invocation of the resolution. The passage of a resolution without the invocation of the primary democracy clauses and the passage of a resolution that includes the invocation of the primary democracy clauses are counted as two separate, distinct responses.

If the Permanent Council passes a resolution, that resolution can also include the authorization of the Permanent Council to send missions. These missions include fact-finding missions, where a designated member or group from the OAS goes to the country to meet with government and opposition officials to better understand the situation on-the-ground as well as good offices, where the Secretary General of the OAS or another high-level official visits the country, using the weight and prestige of their office, to comment on and discuss the situation in the crisis country. Political missions can also include mediation missions, either short-term or long-term. Although there is variation in the extent of each mission in terms of authority,

commitment, and time, they will be held broadly under the variable “missions” to demonstrate whether the Permanent Council or Secretary General undertook a mission to a crisis country.

Finally, the OAS can threaten sanctions through the form of threats of suspension or actually suspension of a member from the organization. Suspension has only been used twice in the history of the OAS: the first was the suspension of Cuba in 1962 following the deterioration in relations between the United States and Cuba in the post-revolutionary period. The second was the suspension of Honduras in 2009 following the coup d’etat against President Manuel Zelaya. Mercosur has also suspended a member-state in response to a democratic crisis, suspending Paraguay after the impeachment and removal of President Fernando Lugo in 2012. Since suspension is used so rarely, but constitutes the most severe punishment regional organizations can level against a member-state, I include threats of suspension as a response the OAS can take- since the threat of suspension can sufficiently warn a member-state of the consequences of continuing with an undemocratic action.

The responses from the OAS are dichotomous variables: “1” if an action was present, “0” if it was not. In other words, if the Permanent Council held a meeting, that action is coded as a “1”, if no meeting was held; it is coded as a “0”.

### *3.2 Explanatory Independent Variables*

*Clarity:* I define clarity based on how clear the crisis is a violation of the primary democracy clauses of the OAS as listed in Resolutions 1080 and the Inter-American Democratic Charter. Clarity is coded based on how the Organization of American States (OAS) views and discusses the crisis in either Permanent Council Meetings or through statements from the Secretary General through the official OAS record of Press Releases. I first look through the minutes of the meetings corresponding to each crisis when a meeting of the Permanent Council takes place. If there is agreement among the member-states and they refer to the crisis using the language of the

IADC or Resolution 1080, such as using the phrases “sudden or irregular interruption,” “unconstitutional interruption or alteration,” “autogolpe,” or “golpe de estado,” I code that as a clear crisis. However, if there is a debate on whether the crisis falls under that language among member-states in the OAS, it is coded as not clear, as the presence of a debate on the extent of the crisis implies a lack of consensus on whether the crisis is a violation of the primary democratic clauses and documents. If there was no meeting regarding the crisis, I look through the press releases from the OAS to determine if any member-states [as members of the OAS] or the Secretary General spoke out regarding the crisis and how they labeled it. Again, the same language is the key for coding the crisis as a clear crisis. If there is no discussion or press releases regarding the crisis, it is coded as not clear. If the language above is not used in the minutes of the meetings or in the press releases, it is coded as not clear.

The expected relationship between clarity and OAS responses can be stated as:

*H1: As the clarity of a violation increases, the likelihood of a response that invokes Resolution 1080 or the Inter-American Democratic Charter increases.*

*Severity:* I define severity as the extent to which the crisis threatens the fundamental foundation of democracy in the crisis state. I code the severity of a crisis in two ways in order to get a well-rounded understanding of severity and to determine how the coding of severity may affect the results. The first is derived from Boniface’s (2007) chapter regarding the OAS and its record of responses to democratic crises. He argues, based on the wording of the various charters and agreements of the OAS, that there are essentially three types of crises. Those that represent a direct threat to democracy, such as coup d’etats and autogolpes, are most likely to clearly fit the definition of an interruption of the democratic order and thus the OAS is more likely to invoke its “primary instruments for the defense of democracy” such as Resolution 1080 or the Inter-

American Democratic Charter (49). These crises include the use of force to unseat elected officials (49). Other crises, such as electoral crises, constitutional crises, and other non-coup emergencies, are considered “second-order” crises and he argues the OAS will consider these on a “case-by-case” basis (50). Third, there are the middle-range crises that are not clearly coups or autogolpes, but do contain “significant violence, resignation (and eventual exile) of a sitting president, and allegations of a coup” are termed “near-coup crises” and the response of the OAS to these crises is “likely to be contentious” (49). Using his trichotomous descriptions of the types of crises, I consider the crises he labels as direct threats to be the most severe threats to democracy: Peru 1992, Guatemala 1993, Ecuador 2000, Venezuela 2002, and Paraguay 1996. I add Honduras 2009 to that list since it fits the same criteria as the other cases. For the empirical portion of this project, I code the crises using a dichotomous measure (1 for the direct threats (coups and autogolpes), 0 for not severe (all others)).

I also code severity using the coding scheme developed by Leiv Marsteintredet (2014) in his article regarding presidential interruptions. He codes the threat to democracy based on a scale from 0 (democratic behavior) to 5 (maximum undemocratic behavior) and then codes for both the opposition as well as the president’s behavior. His coding rules, with my additions in italics,<sup>10</sup> are as follows: “0: Opposition- Demonstrations, Impeachment attempt; President - No retaliation, peaceful resignation. 1: Opposition- Continued street demonstrations, dubious congressional maneuver; President- non-violent sabotaging of protests, for example, jailing opposition, *dubious presidential maneuver*; 2: Opposition- Illegal behavior /violent protests/threats of violence against President; President- Illegal behavior/violent handling of

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<sup>10</sup> Marsteintredet’s project covers only presidential interruptions, and as a result his universe of cases does not perfectly overlap with mine. However, his coding of democratic threats transfers well to this project, and where presidential abuse or opposition behavior is not accounted for in his coding, I approximated the best fit and included it as an italicized addition to his coding scheme.

protests/threats of use of violence against opposition leaders. 3: Opposition- Violence against government; President: Violent, targeted attacks, or unconstitutional attack on opposition, key actors, institutions, *electoral fraud at sub-national level elections*; 4: Opposition- Boycotts democratic game, for example elections, aims to delegitimize president sufficiently to have him ousted; President- electoral fraud *for national level elections*. 5: Opposition- civil-military coup; President- self-coup” (22). This coding of the threat level allows me to analyze multiple actors in the democratic crises and clearly label and compare the type and extent of violation of the constitutional democratic process. For the cross-tabulations, I use a dichotomous coding of severity. I code any crisis that earns a “4” or “5” as a “1” and all others as a “0.” The expected relationship between severity and responses from the OAS can be stated as:

*Hypothesis 2: As the severity of a crisis increases, the likelihood of a response that invokes Resolution 1080 or the Inter-American Democratic Charter increases.*

*Threat to the President:* My third hypothesis, that the OAS is a “club of presidents” and will be more likely to respond to threats to the president than to presidential overreach, is also tested in the cross-tabulations. A crisis is coded as a threat to the president if the crisis is one that includes one or more of the following: questionable impeachment proceedings, mass protests demanding the resignation or removal of the executive, or a coup d’etat (including both attempted coups that fail as well as successful coups). If a crisis falls into one of those categories, it is coded as a threat to the president and receives a “1.” All other crises are considered cases of presidential overreach and are coded as “0.” The relationship between whether the crisis is a threat to the president and OAS responses can be stated as.

*Hypothesis 3: If the crisis is one that threatens the president of the crisis country, the crisis is more likely to receive a response that invokes Resolution 1080 or the Inter-American Democratic Charter.*

### 3.3 Alternative Independent Variables

There are two main alternative variables (linkage and leverage) that have been offered for an explanation for the variation in responses to democratic crises in Latin America and that can be tested using cross-tabulations. Levitsky and Way (2010; 2006) argue that when linkage and leverage are high, international factors are more decisive in contributing to democratization, even in cases where domestic conditions are less favorable for democratization. Theoretically, their argument could also potentially explain the variation in responses to democratic crises in newly democratic or democratizing countries. Where linkage and leverage are high, we would expect to see a wider range of responses, due to the increase in the salience of that country's domestic issues as well as the increase in leverage to encourage democratic action. Although their argument is persuasive and deserves to also be tested in the cross-tabulations, the coding of their variables does not accurately reflect the potential for variation in Latin America.<sup>11</sup> For example, in their coding of leverage, they code whether the country in question has nuclear weapons. The Treaty of Tlatelolco (1967) declares the region of Latin America and the Caribbean as a nuclear-weapons free zone. As a result, that indicator of leverage is not appropriate for the region.

In order to test this argument as an alternative explanation for the variation in responses but accounting for factors relevant for Latin America, I created a variable that captures the idea

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<sup>11</sup> Examples of indicators that are not regionally relevant or deserve greater nuance from Levitsky and Way (2011: 372-373) include: Total GDP as an indicator of a low leverage country (Total GDP more than \$100 billion), possession of/capacity to use nuclear weapons, competing security issues (country where there exists a major security-related foreign-policy issue for the United States and/or the EU), and countries that receive significant bilateral aid (at least 1 percent of GDP), the overwhelming dominant share of which comes from a major power other than the US or the EU.

of leverage, but with a slight change to the concept. Levitsky and Way are describing the idea that some countries are more “insulated” in that they have the ability to resist pressure from the international community. As a result, the variable “Insulation” represents the ability a country has to resist pressure from the international community during democratic crises. Insulation is an aggregate variable and consists of:

- 1) Gross Domestic Product (GDP) (in current U.S. dollars) taken from the World Development Indicators [WDI] index. GDP is coded per country per crisis year. High levels of GDP indicate high levels of insulation, following the same logic of Levitsky and Way. When a country has high levels of GDP, there is less leverage for the international community to use on that country. High levels of GDP thus equal high levels of insulation and are coded as “1”, where low levels of insulation coded as “0.” I divide the countries into high and low based on the median score within the set of cases. Levitsky and Way’s leverage threshold is not applicable as there are only two cases (Argentina and Venezuela) that would count as high insulation/low leverage cases (GDP more than \$100 billion). As a result, I create a threshold that reflects the range of variation in the region.
- 2) Fuel exports and Metal exports. These form two variables in the aggregate variable. The raw data is derived from the WDI. They are measured the same way, so I included them in this brief summary together. They are calculated by the WDI as a percentage of total merchandise exports. The higher the level of exports of fuel and metal goods, the higher the level of insulation. High levels of exports are coded as “1”, low levels are coded as “0.”
- 3) Aid from the United States and European Union- These consist of two variables (Aid from U.S. and Aid from EU) but are measured the same way and are coded from WDI



yearly reports, with bilateral aid directly measured between the United States and the crisis country and the European Union and the crisis country. Higher levels of aid lead to lower levels of insulation, since during a crisis aid-donor countries can choose to suspend aid to the crisis country, influencing domestic events. On the other hand, low levels of aid indicate higher levels of insulation, as the threat of suspension of aid is less likely to affect a country with low levels of aid. Low levels of aid are coded as “1” (high insulation) and high levels as “0” (low insulation).

In order to calculate an insulation score from these individual variables, I sum the dichotomous outcomes from each variable. Scores above “3” are considered high levels of insulation (for example, a country may have high GDP (1), high fuel exports (1), low metal exports (0), and low levels of aid (1). The score for that country would be a “3” and would be considered an “Insulated” country). Scores of “2” and below are considered countries with low insulation. Based on Levitsky and Way’s understanding of leverage, the expected relationship between insulation and OAS responses can be stated as:

*Alternative Hypothesis 1: Crises in countries with higher levels of insulation will receive fewer responses from the Organization of American States than in crises in countries with lower levels of insulation.*

Linkage: I code linkage using the KOF index of globalization scores dataset from 1970-2010. Levitsky and Way’s coding of linkage includes economic, social, communication and intergovernmental ties; all of which are coded in the KOF index of globalization. I used the KOF index of globalization instead of Levitsky and Way’s coding scheme because the KOF index is significantly more in-depth and contains multiple variables that all address the concept of

Levitsky and Way's linkage variable but add depth and variation to linkage. For example, while social ties for Levitsky and Way are measured by "the average annual number of a country's citizens traveling to or living in the U.S. and EU (1990-2000) as a share of the total country population, excluding years when a country is democratic," the KOF index takes additional items, such as telephone contact, foreign population, internet users, trade in newspapers, and cultural proximity (as measured by number of McDonald's Restaurants and Ikea's as well as trade in books) to get a well-rounded representation of social ties. Overall, the KOF index of globalization provides a more accurate and deeper picture of ties between countries. I use the median score of linkage as the cutoff point. Any countries with a KOF index above the median are considered to have high levels of linkage to the West and are coded as "1", those below the median are considered to have low levels of linkage and are coded as "0." Based on Levitsky and Way's arguments, the expected relationship between linkage and OAS responses can be stated as:

*Alternative Hypothesis 2: Crises in countries with higher levels of linkage between the crisis country and the West will lead to more responses from the OAS than in crises in countries with lower levels of linkage.*

### 3.4 Empirical Results

Table 3.1 contains the results of the cross-tabulations between the independent variables and dependent variables and is located on the following page.

The first cross-tabulations chart demonstrates high levels of correlation and statistical significance at the 0.05 level for the explanatory variables "clarity" and "severity" (regardless of coding). In every instance where the crisis was clearly a violation of the primary democracy clauses, the OAS responded. In every case in which the crisis was clear, the member states of the PC gathered for a meeting and passed a resolution. This relationship is also found for severity- in

every crisis of high severity, the OAS PC met and passed a resolution, with significance at the 0.05 level for each relationship. The high level of correlation between these variables demonstrates a strong relationship between the clarity that a crisis is a violation of the primary democracy clauses of the OAS, the severity of the crisis, and the convocation of a meeting of the PC and the passage of a resolution. The correlation and the corresponding p-values give us confidence that the strength of this relationship is high. The hypotheses regarding clarity, severity, and OAS PC meeting and resolutions are confirmed and in the direction expected.

The results of the cross-tabulations between clarity, severity, and missions also demonstrate significance for those relationships at the 0.05 level. The results demonstrate that when a crisis was clear, the OAS was likely to send a mission, doing so eight out of eleven times a crisis was occurring. Similarly, when a crisis was severe, the OAS was likely to authorize a mission, doing so 100 percent of the time using the coding by Boniface (2007) and 78 percent of the time (seven out of nine times) using the coding based on the work by Marsteintredet (2014).

**Table 1: Empirical Results: Explanatory Variables and OAS Responses**

	<b>CLARITY</b>		<b>SEVERITY (BONIFACE)</b>		<b>SEVERITY (MARSTEINTREDET)</b>		<b>THREAT TO EXECUTIVE</b>		<b>PRESIDENTIAL OVERREACH</b>	
	High	Low	High	Low	High	Low	Yes	No	Yes	No
<b>Meeting</b>	11	8	6	13	9	10	14	5	3	16
<b>No Meeting</b>	0	12	0	12	0	12	2	10	10	2
<i>p-value</i>	<i>0.001*</i>		<i>0.030*</i>		<i>0.005*</i>		<i>0.002*</i>		<i>0.000*</i>	
<b>Resolution</b>	11	6	6	11	9	8	13	4	2	15
<b>No Res</b>	0	14	0	14	0	14	3	11	11	3
<i>p-value</i>	<i>0.000*</i>		<i>0.013*</i>		<i>0.001*</i>		<i>0.002*</i>		<i>0.000*</i>	
<b>Mission Sent</b>	8	5	6	7	7	6	9	4	2	11
<b>No Missions</b>	3	15	0	18	2	16	7	11	11	7
<i>p-value</i>	<i>0.010*</i>		<i>0.001*</i>		<i>0.010*</i>		<i>0.095</i>		<i>0.023*</i>	
<b>Invocation</b>	6	2	5	3	6	2	6	2	0	8
<b>No Invoke</b>	5	18	1	22	3	20	10	13	13	10
<i>p-value</i>	<i>0.007*</i>		<i>0.000*</i>		<i>0.001*</i>		<i>0.124</i>		<i>0.005*</i>	
<b>Sanctions</b>	4	0	4	0	4	0	2	2	0	4
<b>No Sanctions</b>	7	20	2	25	5	22	14	13	13	14
<i>p-value</i>	<i>0.004*</i>		<i>0.000*</i>		<i>0.002*</i>		<i>0.945</i>		<i>0.069</i>	
<b>No Response</b>	0	12	0	12	0	12	2	10	10	2
<b>Response</b>	11	8	6	13	9	10	14	5	3	16
<i>p-value</i>	<i>0.002*</i>		<i>0.030*</i>		<i>0.005*</i>		<i>0.005*</i>		<i>0.000*</i>	

N=31

\*= $p \leq 0.05$

The correlation tests for clarity and severity of a crisis and whether the OAS PC invoked the primary democratic instruments (Resolution 1080 or the IADC) demonstrate that the OAS was likely to invoke the primary democratic instruments during crises of high clarity and high severity. In six out of the eleven crises counted as clear, the OAS PC invoked the primary democratic instruments. Additionally, it is important to note that the OAS was not likely to invoke the primary democratic instruments during crises of low clarity, doing so only two times in response to a crisis (Ecuador 2005 and Venezuela 2002). This relationship also holds for severity. The OAS was more likely to invoke the primary democratic instruments during crises of high severity. In five cases of high severity (Boniface), the OAS PC invoked the primary democratic instruments. Using coding based on Marsteintredet's (2014) article, the PC invoked the primary democratic instruments in six out of nine crises considered severe. Again, the relationship between clarity, severity, and invocation of the primary democratic instruments is significant at the 0.05 level. The hypotheses regarding clarity, severity, and the invocation of the primary democratic instruments are also confirmed and statistically significant.

Finally, the relationships between clarity, severity, and sanctions are also statistically significant at the 0.05 level, although the evidence demonstrates that overall the OAS is not likely to invoke sanctions, doing so in only four cases in the time period under consideration. The relationship between clarity and sanctions is not in the expected direction, with only four (out of 11) cases of high clarity receiving sanctions. Severity has a stronger impact on the imposition of sanctions in response to a crisis. The strongest relationship is between severity (Boniface) and sanctions, with the OAS imposing sanctions four out of six times during a severe crisis. However, it is important to note that the OAS has never imposed sanctions against a crisis

country during an unclear or non-severe crisis, meaning low levels of clarity and severity lead to an absence of sanctions during crises.

### 3.5 Summary of the Results of the Cross-tabulations for Clarity, Severity, and OAS responses

The results of the cross-tabulations demonstrate support for my hypotheses regarding the relationship between clarity, severity, and responses of the OAS. During every episode of a crisis that was a clear or severe violation of the primary democracy clauses of the OAS, the Permanent Council of the Organization of American States not only met but also passed a resolution regarding the crisis. The statistical significance of the relationship between clarity, severity, and OAS responses remains strong even as responses become more in-depth, even though the overall number of cases in which the OAS invokes the primary democratic instruments or imposes sanctions decreases. Despite that decrease, the relationships between clarity, severity, and the invocation of the primary democratic instruments or the threat of (or actual) suspension of a member state from the OAS demonstrate support for my hypotheses. In the majority of cases, regardless of the coding, a crisis of high severity was met by the invocation of the primary democratic instruments of the OAS. In four cases of high severity, the OAS threatened to suspend (or, as in the case of Honduras, actually suspended) the crisis state from the OAS. The p-values for the relationships between these variables also demonstrate statistical significance, giving us confidence in the strength of the relationship between high levels of severity and the threat of suspension from the OAS.

### 3.6 Empirical Results for the “Club of Presidents” Hypotheses

The results of the cross-tabulations and chi-squared tests also demonstrate support for my hypotheses regarding the relationship between the presidents of the member states and the OAS. The first is that threats to the president do, in fact, receive more responses overall from the OAS as compared to cases of presidential abuse of power. In 14 cases (out of 16) where the president

was threatened, the OAS held a PC meeting. In 13 of those cases, the PC passed a resolution regarding the crisis. Contrasted with the numbers for cases of presidential overreach, we see a clear trend towards responding to threats to the executive but not to overreach: the OAS PC met to discuss the crisis in only three (out of 13) cases of presidential overreach and passed a resolution in only four of those cases. The results from the cross-tabulations and the p-values for these variables also demonstrate support for my first two hypotheses and are significant at the 0.05 level.

The relationship between whether the crisis was a threat to the executive and whether missions were sent is not statistically significant, however, the relationship is in the expected direction with more cases of missions during threats to the executive than not. In nine out of 16 cases, a mission was sent to the crisis country. To some extent, this relationship makes sense, in that if the embattled president survives the threat to his office, he may choose to take undemocratic actions (and thus would not want additional scrutiny paid to domestic politics) in the aftermath of the crisis. The executive may also choose to limit the response of the OAS if a crisis is over relatively quickly, so as not to set a precedent in the region for the involvement of the Organization in domestic politics after a crisis. At this point, the reasons for why there would be a limited relationship between threats to the executive and political missions are speculation. A comparison between cases that are threats to the executive and cases of presidential overreach and missions lends support to my argument: a mission was sent to the crisis country in only two of 13 cases of presidential overreach. In other words, although missions are mixed in terms of if they were authorized for cases of threats to the executive, they are almost non-existent in cases of presidential overreach. The relationship between presidential overreach and missions is statistically significant at the 0.05 level.

The results for the final two dependent variables, the invocation of the primary democratic instruments and suspension, are somewhat split. The OAS was more likely to invoke either Resolution 1080 or the Inter-American Democratic Charter when the crisis represented a threat to the president compared to when a crisis was one where the president was abusing power. The OAS PC invoked the primary democratic instruments six times out of 16 during cases of threats to the executive, but the p-value does not give us much confidence in the strength of the relationship. However, we again see a dynamic difference between the likelihood of invocation of the primary democratic instruments for presidential overreach compared to threats to the executive. When not counting autogolpes (when we would expect to see a forceful response from the OAS), there has never been the invocation of Resolution 1080 or the Inter-American Democratic Charter against an executive.<sup>12</sup> The relationship between presidential overreach and whether there was an invocation of Resolution 1080 or the IADC is statistically significant at the 0.05 level, lending strength to the argument.

Neither the relationship between the dependent variable “sanctions” and threat to executive nor presidential overreach is statistically significant. The OAS implemented sanctions in only two cases of threat to the executive, compared to 14 in which it did not. In cases of presidential overreach, the OAS never implemented sanctions against the crisis country. The low incidence of sanctions is likely affecting the outcome of this relationship, as only four of 31 cases in the study were met with sanctions. Additionally, if a coup d’etat is unsuccessful or if there is some kind of constitutional succession to replace the executive, the regional

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<sup>12</sup> It is important to note that this does not mean there have not been *requests* by an individual member state for the invocation of Resolution 1080 or the IADC against a president for undemocratic behavior. In the case studies that follow, I will discuss the case of Venezuela 2007, in which there was a request by the United States to invoke the IADC against the government of Hugo Chávez, but the request was denied. The case study will discuss the “why” of the denial in further detail.



organizations (and member states within them) are likely to view that as an acceptable, although not ideal, outcome and work with the new government to stabilize the country post-crisis.

Although the levels of statistical significance for threat/overreach and missions, invocation of 1080/IADC, and sanctions are lower, a comparison of the outcomes in the two categories demonstrates the propensity of the OAS to respond to crises where the president is threatened as compared to cases of presidential overreach. As a result, there is empirical support for the argument that the OAS is a “club of presidents” and that the OAS is more likely to respond to a threat to a president, but remain quiet or limit actions when the crisis is one where the president is abusing power.

### 3.7 *Empirical Results for Alternative Variables and OAS Responses*

Finally, the relationship between the responses of the OAS and the variables linkage and insulation are demonstrated below in Table 3.2. The first, most important note regarding linkage and insulation is that when compared to the main explanatory variables, the strength of linkage and insulation as explanations for the variation in responses from the OAS is very low. Only one relationship, insulation and response, achieves statistical significance at the 0.05 level. It was more likely that the OAS would respond to a crisis in a country with low levels of insulation, however, in countries with high levels of insulation the record is mixed. In six crises in high insulation countries, the OAS did not respond at all whereas in four crises in high insulation countries, the OAS did respond- a difference of two. Beyond the relationship of insulation and whether there was any response, the record for both linkage and insulation is mixed. For example, in 16 total crises in countries with high levels of linkage with the West, eight of those crises were discussed in a PC meeting and eight were not. This is a similar story to the passage of resolutions and the authorization of missions: out of 16 total crises with high levels of linkage, in a resolution was passed and a mission was sent in seven crises (in nine crises, there was no

resolution and no mission). The results from the cross-tabulations for linkage and insulation do not provide support for the argument that linkage and insulation explain the variation in responses from the OAS to democratic crises in Latin America.

**Table 2: Relationship between Alternative Variables and OAS Responses**

	LINKAGE		INSULATION	
	High	Low	Yes	No
<b>Meeting</b>	8	11	4	15
<b>No Meeting</b>	8	4	6	6
<i>p-value</i>	<i>0.183</i>		<i>0.093</i>	
<b>Resolution</b>	7	10	3	14
<b>No Res</b>	9	5	7	7
<i>p-value</i>	<i>0.200</i>		<i>0.055</i>	
<b>Mission Sent</b>	7	6	3	10
<b>No Missions</b>	9	9	7	11
<i>p-value</i>	<i>0.833</i>		<i>0.353</i>	
<b>Invocation</b>	3	5	2	6
<b>No Invoke</b>	13	10	8	15
<i>p-value</i>	<i>0.354</i>		<i>0.610</i>	
<b>Sanctions</b>	1	3	0	4
<b>No Sanctions</b>	15	12	10	17
<i>p-value</i>	<i>0.254</i>		<i>0.139</i>	
<b>No Response</b>	7	4	6	5
<b>Response</b>	9	11	4	16
<i>p-value</i>	<i>0.320</i>		<i>0.049*</i>	
N=31			*=p ≤ 0.05	

### 3.8 *Summary of Empirical Results*

Overall, the results of the cross-tabulations and chi-square tests demonstrate support for the hypotheses put forth as part of the explanations for the variation in responses from the Organization of American States to presidential crises in Latin America. The results of the cross-tabulations and chi-squared tests for clarity and OAS responses are summarized in Table 3.4 below.

**Table 3: Clarity and OAS Responses**

When the clarity of a crisis is high, I expect to see:	Confirmation of Hypothesis
The Convocation of a Meeting of the OAS Permanent Council	✓
The Passage of a Resolution regarding the response	✓
A Mission to the Crisis Country	✓
The Invocation of Either Res1080 or the IADC	✓
The Threat of or Actual Suspension of the Crisis State (Sanctions)	✗

The relationship regarding the relationship between high levels of clarity and the responses of the OAS was confirmed, with the exception of the relationship between clarity and suspension or threat of suspension. When a crisis is clearly a violation of the primary democratic instruments, we can expect to see a wider range of responses, including a meeting of the Permanent Council of the OAS, the passage a resolution, the authorization of a mission to the crisis country, and the invocation of either Resolution 1080 or the Inter-American Democratic Charter. Although the relationship between clarity and sanctions is statistically significant, it is not in the expected direction. Sanctions were a rare phenomenon, occurring in only four of twelve cases of high clarity. Even though the relationship between high levels of clarity and sanctions, the relationship between low levels of clarity and sanctions is consistent, with zero cases of sanctions during crises of low clarity.

Overall, the results from the cross-tabulations and chi-squared tests using either coding of severity demonstrate support for the hypothesis regarding the relationship between severity and OAS responses. During crises of high severity, the OAS Permanent Council was likely to meet, pass a resolution, authorize a mission to the crisis country, invoke Resolution 1080 or the IADC, and was likely to impose sanctions on the crisis country. Using the severity coding from Boniface, the OAS imposed sanctions four out of six times during crises of high severity. The relationship changes slightly using the coding from Marsteintredet, with sanctions being imposed

in four out of nine cases, but demonstrates a relationship between high levels of severity and sanctions against a crisis country. The relationship between severity and OAS responses to democratic crises is confirmed by the cross-tabulations. The results for the cross-tabulations of severity and responses from the OAS are presented in Table 3.4 below.

**Table 4: Severity and OAS Responses**

When the severity of a crisis is high, I expect to see:	Confirmation of Hypothesis using coding based on Boniface (2007)	Confirmation of hypothesis using Marsteintredet's coding
The Convocation of a Meeting of the OAS Permanent Council	✓	✓
The Passage of a Resolution Regarding the Response	✓	✓
A Mission to the Crisis Country	✓	✓
The Invocation of Either Res1080 or the IADC	✓	✓
The Threat of or Actual Suspension of the Crisis State	✓	✓

Finally, the results from the cross-tabulations and chi-squared tests for the relationship between whether the crisis was a threat to the president and responses from the OAS demonstrate strength for the argument that the OAS is more likely to respond to crises that are threats to the president. We were more likely to see the OAS respond to a crisis that threatened the president in office than when it was a crisis where the president was abusing power. Although the relationships between invocation, sanctions, and missions with crises that are threats to the executive are not statistically significant, and therefore received a “no” in terms of confirmation of the hypothesis, the results are in the expected direction and demonstrate an overall trend of protection of the executive during democratic crises. When comparing the responses of invocation, sanctions, and missions between the two types of crises (threat/overreach), the responses were more likely in cases of threats to the executive than in cases of presidential

overreach. The results of the cross-tabulations for threat to the executive, presidential overreach, and OAS responses provide support for my hypothesis.

**Table 5: Club of President's Hypotheses and OAS Responses**

When the crisis represents a threat to the president, I expect to see:	Confirmation of Hypothesis	Was response more likely in cases of threat to executive than in presidential overreach?
The Convocation of a Meeting of the OAS Permanent Council	✓	✓
The Passage of a Resolution regarding the response	✓	✓
A Mission to the Crisis Country	✗	✓
The invocation of either Res1080 or the IADC	✗	✓
The threat of or actual suspension of the crisis state	✗	✓

### 3.9 Conclusion

The cross-tabulations and chi-squared tests demonstrate support for the majority of my hypotheses. While the cross-tabulations and chi-square tests demonstrate support for the majority of my hypotheses, the concern about omitted variables is important to address. Since the correlation and chi-squared tests only demonstrate the relationship between my explanatory variables and the responses of the OAS, it is possible other variables contribute to the decision of the OAS to respond to presidential crises. Despite the potential of omitted variable bias, the results of the empirical tests provide support for my argument regarding the relationship between high levels of clarity and severity and OAS responses, as well as support for my argument regarding the propensity of the OAS to respond more often to threats to the president.

The correlation tests were also not able to capture the reasons for the variation in crises of low clarity and severity. Due to this fact, I use two sets of paired case-study comparisons to demonstrate the when clarity and/or severity are low, the impact of the components of bounded

rationality- imperfect information, uncertainty regarding the consequences of a response, polarization, and time- affect when the OAS will respond. In the following chapters, I look at paired case studies to demonstrate the impact of severity and clarity on the likelihood of responses from regional intergovernmental organizations. I also demonstrate the impact of the components of bounded rationality-time, imperfect information, polarization, and uncertainty- when the severity and clarity of crises are low.

#### **4 Chapter Four: Explaining the Variation in the Responses to Coups d'état in Ecuador 2000 and Honduras 2009**

What explains the variation in responses from regional intergovernmental organizations to presidential crises in Latin America? In the empirical chapter, I demonstrated support for the argument that the clarity and severity of a crisis determines the variation in responses from the Organization of American States (OAS) to democratic crises. When a crisis was clear and severe, the OAS was not only likely to respond, but was also likely to do so by invoking the primary democratic instruments of the Organization, such as Resolution 1080 or the Inter-American Democratic Charter (IADC). However, despite the strength of the relationship demonstrated in the empirical chapter, there are cases that deserve further attention due to variations in the response despite similar crises. Case studies also illuminate the decision-making processes and differences in the cases that led to the variation in outcomes and allow me to address the responses of the other regional IGOs when they apply.

In this chapter, I analyze and explain the difference in responses between two similar cases: Ecuador 2000 and Honduras 2009. Despite similar crises- there was agreement within the OAS that the events could be considered coups d'état- the OAS responded in different ways to the two crises. The response to the presidential crisis in Ecuador did not include the invocation of the primary democratic instruments and the OAS Permanent Council eventually accepted the transition from President Jamil Mahuad to his constitutionally designated successor, Vice President Gustavo Noboa. In comparison, the OAS responded to the crisis in Honduras not only with the invocation of the IADC but also eventually with the suspension of Honduras. Although some members of the OAS eventually accepted that President Manuel Zelaya would not be returned to office and accepted the election of Porfirio Lobo to the executive office in 2009, the

suspension was not lifted until 2011<sup>13</sup>. In order to test my argument that high levels of clarity and severity will lead to responses that invoke the primary democratic instruments of the regional organizations, we must ask why there was a variation in responses to these two similar crises.

I posit that although the clarity of the crises in Ecuador and Honduras were similar- both were clearly coups d'état- and both cases were severe in that they both had the potential to threaten the fundamental foundation of democracy in the state, the variation in responses is due to slight, but important, differences in the levels of severity between the two cases. Due to the behavior of the domestic actors in Ecuador, the crisis eventually represented less of a threat to the fundamental foundation of democracy in the country (lower levels of severity), while the way the key domestic actors handled the crisis in Honduras meant higher levels of severity to democracy. In other words, the higher levels of severity meant the threat to democracy was higher and there was a deeper, more extensive international response to the events occurring in Honduras than in Ecuador.

The format for this chapter is as follows. The following section summarizes the crises in Ecuador and Honduras, providing an overview of the events and the responses of the regional intergovernmental organizations, focusing primarily on the Organization of American States, but also including Mercosur, UNASUR, and other regional organizations when appropriate.<sup>14</sup> I then turn to an explanation of the specific actions taken by the domestic actors in the crisis states that

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<sup>13</sup> Whether the OAS and the international community should accept the election of Porfirio Lobo as president of Honduras in November 2009 was a divisive issue. Mercosur and UNASUR, as well as many of the member-states of those organizations, stated they would not accept the outcome of any elections held under the Micheletti regime. However, closer to the scheduled elections, the United States, Panama, Costa Rica, and Peru accepted the elections, while Argentina, Venezuela, Brazil and other leftist-led governments did not. Officially, the Secretary-General of the OAS continued to condemn the coup d'état and demand the reinstatement of Zelaya.

<sup>14</sup> For this chapter, I primarily focus on the Organization of American States. Ecuador did not join Mercosur as an associate member until 2004. UNASUR was not founded until 2008. As a result, those IOs will not be included. However, multiple regional organizations, including Mercosur, CARICOM, UNASUR and ALBA (once in existence) issued statements regarding the crises and/or took actions against the coup governments and those statements will be noted.



made the Honduran crisis one of greater severity than the crisis in Ecuador. Finally, I discuss how polarization, time, uncertainty, and information affected the response to the crisis in Ecuador as compared to Honduras.

#### *4.1 Ecuador 2000*

The underlying issues that led to the removal of President Jamil Mahuad in a coup d'état on January 21, 2000 were based in long-running economic and political crises. In 1997, the year before Mahuad's victory in the presidential elections, the National Congress of Ecuador had removed then-President Abdalá Bucaram from office in questionable impeachment proceedings, declaring him "mentally unfit" to rule. Bucaram had been in office for only six months before facing opposition to his neoliberal economic policies and his refusal to address high levels of corruption and nepotism in the government. Opposition to President Bucaram was expressed through civilian mobilizations throughout the country and culminated in approximately three million people protesting on February 5, 6, and 7 (Rivera Vélez and Ramírez Gallegos 2005, 129). Despite Bucaram's penchant for odd behavior, which earned him the nickname "el loco," the way the impeachment proceedings were held and the lack of official diagnosis of an actual mental condition cast a shadow over the legitimacy of the impeachment proceedings. The period immediately following his removal led to a dispute between Vice President Rosalea Arteaga and Fabián Alarcón, the president of Congress. Congress had elected Alarcón as President to replace Bucaram, but Rosalea Arteaga claimed that the constitution meant she should succeed Bucaram as President. The short-term dispute was eventually solved when Rosalea Arteaga, lacking support from either Congress or the Army, acknowledged she did not have the support to remain in office, resigned from the Vice Presidency, and Alarcón was sworn in as President. President Alarcón held a referendum in May 1997, which demonstrated support by Ecuadorians for the removal of Bucaram and, combined with the lack of support for Arteaga, solidified the support

for the succession of Alarcón to the presidency (Breuer 2007). The removal of Bucaram set the expectations and precedent for political behavior by civil society, Congress, and the military for the next few years. As Ivonne Baki, former ambassador to the United States during Jamil Mahuad's presidency, argued in a personal interview, the removal of Bucaram established a "precedence" that encouraged civil society to move into the street and call for the removal of the executive when the president's popularity decreased, even if he had been recently elected with a majority of the vote (Ivonne Baki, December 9, 2014, Atlanta, Georgia (Skype)).

In addition to the political conflict surrounding the impeachment of President Bucaram and the questions surrounding constitutional succession, Ecuador had been in the midst of a severe economic crisis since the late 1990s. Lucero (2001, 60), drawing on economic data from a variety of sources, illustrates the severity of the economic crises:

"Between 1998 and 2000, Ecuador suffered its worst economic reversals in a century. In the course of these two years, GNP shrank 7.3 percent, foreign investment fell by 34.7 percent, imports declined by 38.4%, and the value of the dollar against the sucre rose by 362 percent. Ecuador bled not only capital but also people, as almost 10 percent of the country's 12 million inhabitants emigrated. Contributing to all these woes was a severe banking crisis. In 1998, there were 42 banks in Ecuador; by 2000 there were only 26. Efforts to bail out the banking sector had absorbed roughly 23 percent of GNP, placing a fiscal strain on the state and diverting resources from social spending."

The economic crisis in Ecuador underlined the political crises and provided a precarious foundation for Jamil Mahuad, who won the second round of the 1998 elections with only 51% of the vote. In an effort to make Ecuador more credit-worthy, Mahuad implemented a series of tax increases and reductions of subsidies for key basic goods and services, which led to increases in "electricity costs by 410 percent, gasoline by 174 percent, and public transportation by 40 percent" (Lauderbaugh 2012, 152). In response to his economic decisions, Mahuad faced multiple protests, including a series of strikes led by unions, road blockades by indigenous

organizations, and protests in Guayaquil, Ecuador's largest city and its economic base. In attempts to manage the protests and maintain order, Mahuad declared a state of emergency three times between March 1999 and his removal in January of 2000. The economic and political turmoil affected President Mahuad's ratings greatly, leaving him with an approval rating of only 6% by January 2000 (Barracca 2007, 146; Walsh 2001, 185).

The mounting economic problems eventually led President Mahuad to announce a plan of dollarization, hoping that the dollarization of the economy would not only restore confidence in the country's economy, but also stop the rapid devaluation of the sucre and stabilize the economy.<sup>15</sup> President Mahuad announced the dollarization of the economy on January 9, 2000, despite the staunch opposition and eventual resignation of the Central Bank's three highest officials over the plan (The New York Times 2000). In response to the handling of the economic crisis and catalyzed by the decision to dollarize the economy, the Confederation of Indigenous Nationalities of Ecuador (CONAIE) announced an uprising and encouraged indigenous people all over Ecuador to meet in the capital city of Quito to press for the resignation of President Mahuad and push for a greater focus on indigenous issues. In response to the calls from CONAIE for indigenous groups to unite in protest in Quito, the government deployed a "thirty-five-thousand member police force" whose job was to ensure the roads remained open and that the indigenous groups did not reach Quito to add to the numbers of protestors (Walsh 2001, 173). In spite of this order from the central government, indigenous protestors managed to make their way to central Quito, with numbers reaching five thousand indigenous people by January 18, and that number doubling by the next day (Walsh 2001, 174).

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<sup>15</sup> Walsh (2001: 175) notes the devaluation at "348 percent between August 1998 and January 2000, and an additional 33 percent in the first weeks of 2000."

To add to the difficulties for President Mahuad, on January 17, workers from Petroecuador, Ecuador's state-owned oil company, went on strike and joined the protestors in Quito calling for Mahuad's resignation. The oil workers were eventually joined by labor unions and student organizations, which when combined with the indigenous protestors, reached a critical mass (Lauderbaugh 2012, 155). Despite the inclusion of the other social organizations, the major group leading the protests calling for the resignation of Mahuad was the indigenous organization CONAIE, whose goals went beyond the resignation of President Mahuad from the presidency (Walsh 2001: 175). In addition to the call for protests in Quito, CONAIE also held an alternative parliamentary session in Quito, titled the "People's Popular Parliament for National Salvation," whose intention was to provide a "new political authority" outside of the established political institutions so that politics would be more participatory and inclusive (Walsh 2001: 174). In consideration of this broader goal, CONAIE and the People's Popular Parliament also called for the overthrow of the "National Congress, the Supreme Court, and the government" (Walsh 2001: 176).

By January 20, a large group of Indians had surrounded the Congress, Supreme Court, and comptroller's office buildings, leading to clashes between the military posted around the buildings and the protestors. The next day, the military joint command chose to not enforce the state of emergency against the protestors surrounding the government buildings. As a result, on January 21<sup>st</sup>, the protestors invaded and occupied the government buildings. Shortly after, Colonel Lucio Gutiérrez, CONAIE president Antonio Vargas, and Carlos Solórzano, a former president of the Supreme Court, declared the formation of the Junta of National Salvation and issued a series of declarations promising the people a government of "no lying, no stealing, and no idleness" and a promise to "change the structures of the state, and to strengthen democratic

institutions”<sup>16</sup> (Walsh 2001, 178). In the midst of the takeovers of the Congress and the pronouncements by the triumvirate junta, President Jamil Mahuad fled the presidential palace in central Quito, “hidden in an ambulance headed to the air base” (Walsh 2001, 179). Although President Mahuad had been forced to flee the presidential palace due to a lack of protection from the armed forces, he refused to resign (McConnell 2001, 76). His Vice President, Gustavo Noboa, flew in from Guayaquil in an armed forces plane, keeping in nearly constant contact with the military high command and later, once in Quito, meeting with various leaders of the political parties along with the high command (Walsh 2001, 179-180).

By 10:30 p.m. on January 21, essentially all support for President Mahuad had evaporated, he had been forced to abandon the presidential palace, the Vice President had been involved in negotiations with the military high command and other political leaders in attempts to find a resolution to the crisis, and the Junta of National Salvation had spoken publicly and with great public support, about the events that, according to them, justified the manner in which President Mahuad had been removed from office<sup>17</sup>. The military high command issued a document that stated the armed forces were required to intervene to manage the “political, economic, and moral splitting of the groups the people had democratically put in charge of managing the nation” and requested “international understanding” for their actions (Walsh 2001, 180). Despite the calls for international understanding, the Clinton Administration condemned the overthrow and putting direct pressure on the high command of the military in Ecuador, threatened sanctions against the military-led government (Rohter 2000).

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<sup>16</sup> The quotes are from Antonio Vargas and Lucio Gutiérrez, respectively. Translation by Catherine Walsh (2001).

<sup>17</sup> CEDATOS published a poll during the crisis that demonstrated high levels of public support for the indigenous peoples’ movement (71%), the occupation of Congress (74%), and moderate-to-low levels of support for the three junta leaders (Vargas-34%; Gutiérrez 26%; Solórzano- 21%). However, 79% of the population also supported the maintenance of the constitutional order (Walsh 2001, 181).

Despite the image of a united junta presented to the public, there was conflict over who should be leading the military faction of the junta. In backroom discussions, the high command of the military, the indigenous leaders, and a group of colonels including Lucio Gutiérrez debated how best to move forward. The high command of the military, concerned with the precedence of breaking rank established by Lucio Gutiérrez and the other colonels, argued that General Carlos Mendoza, chief of the joint high command and the acting Minister of Defense, should replace Gutiérrez. Mendoza and the high command argued that by replacing Gutiérrez with Mendoza, the military could keep its hierarchical structure and that the military would be willing to respect the goals of the indigenous leadership as well as the trust placed in Gutiérrez by the indigenous groups. The indigenous leaders eventually accepted and agreed to announce the triumvirate of General Carlos Mendoza, Antonio Vargas, and Carlos Solórzano. The three “took an oath, sang the national anthem, and together said a prayer” (Walsh 2001, 182). However, as the new presidents convened their planning session, General Mendoza disappeared, along with the military officers that up until that time had “filled the halls and terraces” (Walsh 2001, 182).

General Carlos Mendoza, under direct pressure from the United States, announced his resignation at 2:50 a.m. on January 22, declaring that his primary intention was to ensure the unity of the armed forces and arguing for a constitutional transition out of the crisis. The same day, Vice President Gustavo Noboa was sworn in as President at the Ministry of Defense, and suddenly lacking the support of the military, the junta was dissolved. According to Antonio Vargas, the indigenous leader of the junta, General Mendoza had deceived the junta and had effectively ended the coup d’etat. After the dissolution of the junta, Vargas argued in a speech before representatives of the indigenous peoples and nationalities still in the Congress building

and the main park in Quito that “Mendoza’s betrayal was a deception of the masses” (Walsh 2001, 182). Vargas acknowledged the defeat of the junta, but also claimed success for the overthrow of Mahuad and the rise in awareness of the indigenous issues in the country. Gutiérrez and a number of other junior officers who took part in the coup were jailed for their roles in the uprising. Jamil Mahuad, despite rejecting the avenues through which he was overthrown and refusing to officially resign, said he would accept the transition to his Vice President and asked the country to “give Gustavo Noboa the support you did not give to me” (BBC News 2000). By January 22, the coup was over, President Jamil Mahuad had been successfully overthrown, and Gustavo Noboa was sworn in as President of Ecuador.

#### 4.2 *The OAS Response to the Coup in Ecuador*

Despite the reality that the mass protests in Ecuador, the economic crisis, and the instability of the Ecuadorian government were well-publicized and well-known, it was not until Ecuador and the democratically-elected government of Jamil Mahuad were in full-blown crisis that the Organization of American States and other regional intergovernmental organizations responded to the crisis. Before the day of the coup, there were no statements from the OAS Secretary-General regarding the protests, concerns of the potential for a crisis, or statements of support for the Ecuadorian government as it navigated multiple economic and political crises. The first official meeting of the OAS Permanent Council was held on the day of the coup, January 21 at 7:20 p.m. The meeting was requested by the government of Ecuador in order to update the member-states regarding the crisis in Ecuador and to ask the OAS to “give grand support to democracy in the hemisphere and to Ecuadorian democracy” (“OAS Meeting Minutes CP/ACTA 1220/00,” 2000).

As noted by Levitt (2007), there were divisions amongst the various member-states as to whether the invocation of Resolution 1080 would be appropriate for this case. Resolution 1080

instructs the Secretary-General to convene a meeting of the OAS Permanent Council “in the event of any occurrences giving rise to the sudden or irregular interruption of the democratic political institutional process or of the legitimate exercise of power by the democratically elected government in any of the Organization’s member states” (AG/Res. 1080 XXI-0/91). If Resolution 1080 is invoked, the foreign ministers of the various member-states are convened within ten days to examine the situation and undertake decisions they deem necessary to respond to the crisis and restore democracy.

Chile, Costa Rica, Argentina, Paraguay and the United States all echoed similar sentiments regarding the crisis and the potential to invoke Resolution 1080 as a response to the crisis. The Chilean ambassador argued that Resolution 1080 gave the OAS the necessary mechanisms to respond to the “terrible facts” of the situation and should be employed to respond to the unfolding crisis in Ecuador. The ambassador from the United States questioned whether there could be a response from the Secretary-General faster than the ten days allotted by Resolution 1080, referring to the need for a “time urgency factor” in the resolution (CP/ACTA 1220/00, 23).

On the other hand, the Venezuelan delegation argued that the sovereign Ecuadorian people, who had elected Mahuad to the office, could also decide his “political destiny” (CP/ACTA 1220/00, 16; Levitt 2007). Mexico and Brazil were also hesitant to invoke Resolution 1080, with the Mexican ambassador arguing that the meeting that evening was not convened to discuss whether or not to invoke Resolution 1080, but rather to get updates on the events as they were unfolding. The Mexican ambassador accepted the mention of Resolution 1080, but also made it clear that the member states were “not acting under any other mechanism or other provision” (CP/ACTA 1220/00, 24).



The Ecuadorian ambassador, Patricio Vivanco, expressed gratitude to the member states for the meeting and stated that the response from the OAS would demonstrate support for the constitutional democratic government of President Mahuad. It is also clear, based on the minutes, that the Ecuadorian ambassador was not opposed to the invocation of Resolution 1080, as he stated that it was certainly possible to invoke Resolution 1080 and hold a meeting of the foreign ministers, but wanted to wait a few hours before determining a date for the convocation of the foreign ministers (and thus wait to invoke Resolution 1080) to see how the crisis unfolded (CP/ACTA 1220/00, 19; Levitt 2007, 108). As a result, the invocation of Resolution 1080 was left on the table for future meetings, but was not invoked in the first meeting of the Permanent Council.

At the end of this first meeting, the member states agreed to a resolution mentioning, but not putting into place, the mechanisms of Resolution 1080 and the OAS Charter. The resolution expressed support for the constitutional government of Ecuador, specifically mentioning President Mahuad, condemned the attacks against the democratic order, and informed that the OAS, through the Secretary General, would monitor the situation closely.

The OAS Permanent Council did eventually hold a second meeting to discuss the events in Ecuador, although that meeting was not held until January 26, four days after Gustavo Noboa succeeded Jamil Mahuad as President of the Republic of Ecuador. In the meeting, Patricio Vivanco (the Ecuadorian ambassador) informed the Permanent Council that the military had overthrown President Mahuad in a coup d'état and that he had not resigned from the presidency. However, despite the occurrence of a coup d'état that resulted in the removal of President Mahuad, the recognition of Noboa as President by Mahuad had meant the situation had calmed and, since the succession of Vice President Noboa to the presidency as stipulated by the

constitution, the democratic system had been restored. He also stated that “87 out of 96 congressmen present in Congress had voted for Gustavo Noboa to assume office,” and normal activities had “resumed” (“OAS Meeting Minutes CP/ACTA 1221/00” 2000, 2–3, 5). The member states that had either recommended the invocation of Resolution 1080 or a more strongly-worded resolution in the January 20 meeting argued in the January 26 meeting that the OAS and its member states should consider how to move forward from the events in Ecuador and how the OAS could more clearly and efficiently respond to crises in its member-states in the future.

Secretary General César Gaviria and the ambassadors from the United States, Canada, Ecuador, and Chile also pointed to the quick action from the OAS in the form of Resolution 763 and argued that the quick action from the OAS was a “decisive factor” in reversing the “break/weakening” in democracy (CP/ACTA 1221/00, 6). After a brief recess in the session to work on the wording of a final resolution regarding the events that occurred just a few days before, the OAS Permanent Council passed Resolution 764 supporting the constitutional succession to Gustavo Noboa, but also condemning the events that put the “democratic and constitutional order of Ecuador” in danger (CP/ACTA 1221/00, 31-32).

With the passage of Resolution 764, the response of the Organization of American States to the crisis in Ecuador in 2000 was complete. The OAS Permanent Council refrained from invoking the primary defense-of-democracy instruments, including Resolution 1080. This is in marked contrast to the response to the crisis in Honduras in 2009, to which we now turn.

#### 4.3 *Honduras 2009*

Despite the increasing divisions present in Honduras in the months before the coup d’etat, the nature of the removal of President Manuel Zelaya on the morning of June 28, 2009 took many in the Western Hemisphere by surprise. It was the first military coup d’etat in Central

America since the Cold War and the first in Latin America since the brief, but ultimately unsuccessful, removal of Venezuelan President Hugo Chavez in 2002. However, in comparison to the response of the international community to the crisis in Ecuador, the international community reacted much more swiftly in condemnation of the events and took more significant steps to express the disapproval of the international community towards the events in Honduras as they unfolded.

Manuel Zelaya was elected as President of Honduras in 2005 as a conservative landowning leader from the traditional, center-right Liberal Party of Honduras (*Partido Liberal de Honduras*). Despite running as a member of the Liberal party, once in office Zelaya's policies reflected a more populist and leftist trend. The rise of leftists in the region also coincided with a regional trend to change the strict presidential term limits many countries had in place. For example, the constitution of Honduras, written in 1982 at the end of a ten-year military dictatorship, limited the executive office to a single, four-year term with no chance for reelection. Conflict over presidential term limits and whether there was a constitutional ability to change any or all aspects of the constitution underlined the crisis in Honduras leading up to the 2009 coup. The events that led to the removal of Manuel Zelaya from the presidential palace ended "27 years of uninterrupted democratic, constitutional governance" and represented a unique challenge and opportunity for the regional intergovernmental organizations to demonstrate their commitments to the democratic order (Meyer 2010).

The events leading up to Zelaya's ouster polarized the country and made Zelaya popular with certain sectors, while alienating others. Before his ouster in June, Zelaya's popularity ratings hovered around 30 percent, certainly higher than those of Jamil Mahuad's in Ecuador in 2000, but still a demonstration of disapproval in his policies and administration. In March of

2009, Zelaya proposed a referendum to determine whether there was support within the Honduran population for a constituent assembly to convene to rewrite the Constitution. As part of this proposal, Zelaya issued an executive decree calling on the National Statistics Institute (NIE) to hold a referendum on June 28, 2009. The referendum was to ask the population if a fourth ballot box should be included during the general elections in November in order to determine the level of support among the population for a new constitution (Meyer 2010, 2). In May, Zelaya repealed the executive decree issued in March and issued a new decree that made the June referendum non-binding. The May decree also changed the wording of the question that would be posed to voters during the general election to one that removed the references to a new constitution and instead asked whether the voter approved the inclusion of a fourth ballot box to approve the convocation of a National Constituent Assembly (Meyer 2010, 2).

The opposition, led mainly by the President of Congress, Roberto Micheletti, accused President Zelaya of trying to change the constitution to permit reelection, and thus, to allow Zelaya to run for office for another term. In addition to the allegations that Zelaya was trying to coordinate an institutional change to allow him to remain in power, the opposition also argued that any change in the Honduran constitution with regards to term limits was a violation of the Constitution, as Article 239 “provides that any official who proposes to reform the Constitution, in order to allow a president to run for a second term, “immediately” ceases in the exercise of his office” (Cassel 2009, 2). As a result, the opposition argued that Zelaya was not only trying to unconstitutionally continue in office as the president by changing term limits, but that in doing so, he had effectively removed himself from office by pursuing that path. The Attorney General’s Office and the Honduran judiciary declared Zelaya’s proposed referendum unconstitutional, but neither of those decisions was sufficient to convince President Zelaya to

cancel the referendum. In addition to the Attorney General's office and the judiciary, the hierarchy of the Catholic Church, the Human Rights Ombudsman, the legislature, four of the five political parties (including Zelaya's own party), business associations, and evangelical groups all opposed the referendum. However, the referendum did have support from other civil society groups, such as "unions, peasants, women's groups, groups of ethnic minorities, and the small leftist Democratic Unification Party (DU)" (Meyer 2010, 3-4).

On June 23, the opposition-dominated legislature tried to prevent the referendum from taking place by passing a law preventing referenda from occurring within 180 days before or after the general election (Meyer 2010, 4). In this divided context, the military chose to follow the decisions from other institutions instead of the President, who is also the commander-in-chief. Since the other institutions had declared the referendum unconstitutional, the military high command notified President Zelaya that they would not provide logistical support for the referendum. In response, Zelaya ordered the resignations of the Defense Minister and the Chairman of the Joint Chiefs of Staff. This action prompted the resignation of "36 other Honduran military commanders, including the head of the Army, Navy, and Air Force" (Meyer 2010, 4). The Supreme Court declared the removal of the military commanders invalid and ordered President Zelaya to reinstate them, but Zelaya refused. The impasse between the branches of government culminated in the removal of Zelaya on June 28, 2009, the date of the referendum, from the presidential palace.

In the early morning hours of June 28, 2009, the military, acting on a secret warrant from the Supreme Court, entered the Presidential palace, removed President Zelaya (still in his pajamas) from the building, put him on an air force jet, and flew him into exile in Costa Rica. The military also confiscated the ballot boxes with the referendum materials. The National

Congress met that afternoon and read a resignation letter they attributed to President Zelaya (which was later found to be falsified) and then voted to depose the president on other grounds, including for “crimes against the form of government, treason, abuse of authority, and usurpation of functions for calling a referendum without the approval of the National Congress” (Meyer 2010, 4). The National Congress then issued a decree to replace Zelaya with the President of Congress (and constitutionally the next-in-line to the executive office), Roberto Micheletti, who claimed that a constitutional succession had taken place and the removal of Manuel Zelaya was legitimate due to the arrest warrant issued by the judiciary and Zelaya’s own violations of the constitution.

Although public support existed in some sectors for the coup government in Honduras, exemplified by demonstrations in support of the Micheletti government on June 30, overall the public was suspicious of the Micheletti government and still supported Manuel Zelaya. A poll completed in August 2009 by the polling firm Coimer & OP found that 52.7% of the population polled was against the coup d’état removing Zelaya, with only 17.4% in favor of and 30% not responding (Coimer & OP 2009). 60.1% of Hondurans polled believed Micheletti should leave power, with only 22.2% believing Micheletti should stay in power. Meyer (2010) discusses a poll taken in October of 2009 that demonstrated “just 36% of Hondurans approved of Micheletti’s job in office and 59% believed he rarely or never did what was in the interest of the Honduran people. The same poll found that 42% of Hondurans recognized Zelaya as president, while 36% recognized Micheletti” (6). These polls demonstrated that the Honduras population was divided on the ouster of Zelaya and the performance of Micheletti, although the polls were not enough to sway the Micheletti government to step down from power.

Following the removal of Zelaya, Micheletti argued that the transition had occurred constitutionally and that elections would still be held as planned in November 2009. Despite his pronouncements of the constitutionality of the removal of Zelaya, the actions following the coup caused deep concern. The days following the coup, security forces patrolled the streets, supporters and allies of Zelaya in government were forced into hiding, the government arrested the Foreign Minister, Patricia Rodas, as well as the Ambassadors of Venezuela, Nicaragua, and Cuba, and a variety of local and international television and news stations were shut down (Meyer 2010, 6; “OAS Meeting Minutes CP/ACTA 1700/09” 2009). The Micheletti government also instituted a curfew, while pro-Zelaya protestors filled the streets and put up barricades in parts of the capital city, Tegucigalpa, and restricted the roadways to the presidential palace (El País 2009). Over time, the coup government also restricted civil liberties, repeatedly using decrees calling for states of emergency.<sup>18</sup>

#### 4.4 *The International Response to the Coup in Honduras and the Continuation of the Crisis*

The international response to the coup in Honduras was quick in its timing and universal in its condemnation. In contrast to the Ecuadorian crisis where the international organizations reacted retroactively, the Honduran government itself worked to inform the Permanent Council of the OAS regarding the developing conflict on the ground and, as a result, the OAS was well prepared to respond to the crisis. The Honduran delegation requested a Permanent Council meeting, held on the 26<sup>th</sup> of June (two days before the coup) under the jurisdiction of Article 17 of the IADC, which allows the government of a member state to request assistance from the

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<sup>18</sup> For example, The Inter-American Court of Human Rights notes that “On September 26, the *de facto* government published Executive Decree PCM-M-016-2009 announcing that certain guarantees would be suspended for a period of 45 days (the maximum allowed under the Constitution). Those guarantees were the right to personal liberty (Article 69), freedom of expression without prior censorship (Article 72), freedom of association and assembly (Article 78), freedom of movement (Article 81), and the right to be brought before a competent authority within 24 hours if arrested or detained (Article 84). The Decree also prohibited public meetings or assemblies unless authorized by the police or military authorities”

Secretary General or the Permanent Council if the government considers that its democratic political institutional process is at risk.<sup>19</sup> In this first meeting, the Honduran government sought to inform the member-states of the OAS regarding the conflict over the constituent assembly and argued that the decree for the referendum was legal under the recently passed “Ley de Participación Ciudadana”(Law of Citizen Participation”) (“OAS Meeting Minutes CP/ACTA 1699/09” 2009, 3). The Honduran delegation also requested support for the Honduran government under the jurisdiction of Article 18, which allows for the Secretary General or the Permanent Council arrange for visits or other actions to analyze the situation and report on the situation to the Permanent Council. Venezuela, Ecuador, Nicaragua, and Paraguay not only condemned what they called the “threats” of a coup d’état, but also expressed support for the invocation of the IADC (CP/ACTA 1699/09, 8-10). Member-states representing the sub-regional organizations of Mercosur (Paraguay), ALBA (Venezuela) and CARICOM (Belize) also issued statements condemning the threats of a coup d’etat and expressing support for President Zelaya. Speaking on behalf of ALBA, the Venezuelan delegation expressed not only support for President Zelaya, but also expressed that the “sovereign will of the people” should be respected (CP/ACTA 1699/09, 9).

Although the other delegations condemned the potential for a coup d’etat and expressed the need for the constitutional order, the delegations from the United States, Canada, Chile, and Belize expressed concerns regarding the role of the OAS in Honduras and wanted to ensure that the purpose and mission of the OAS in Honduras was clear (CP/ACTA 1699/09, 15). Eventually, these delegations expressed their support for the mission Honduras requested. The OAS member

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<sup>19</sup> Section IV, Article 17 states that: When the government of a member state considers that its democratic political institutional process or its legitimate exercise of power is at risk, it may request assistance from the Secretary General or the Permanent Council for the strengthening and preservation of its democratic system.



states agreed to a special commission, headed by Secretary General Insulza, to gather additional information regarding the situation, to encourage a dialogue between the parties, and to report back to the Permanent Council. At the end of this first meeting, the OAS had been informed about the potential of a coup d'état in Honduras, the delegation of Honduras requested and successfully achieved the application of Articles 17 and 18 of the IADC, a special commission had been approved, and the member-states of the OAS were hoping that a clear mission and the notification that the international community was watching Honduras would be enough to prevent a coup d'état.

Despite the intentions of the OAS and international community, this initial meeting was not enough to sway the opposition actors in Honduras from their course. In response to the removal of Zelaya, the regional intergovernmental organizations Mercosur, UNASUR, CARICOM, the Rio Group, and ALBA<sup>20</sup> all issued statements vehemently condemning the actions and demanded Zelaya's return. The President of the United Nations General Assembly (GA) organized a GA meeting to allow President Zelaya to speak in front of the organization and stated that President Zelaya remained "the only legitimate and constitutional head of the Honduran government" (GA/10840, 29 June 2009). In addition, the OAS called an emergency meeting the day of the coup to discuss the situation as it unfolded and to issue a statement that, according to the delegate from Argentina, needed to convey "repudiation, support, and solidarity" (CP/ACTA 1700/09, 10).

Within the OAS meeting, all of the member-states expressed their support for President Zelaya and universally condemned the actions in Honduras. The ambassador from the United

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<sup>20</sup> CARICOM, the Rio Group, and ALBA are sub-regional organizations in Latin America and the Caribbean. CARICOM is the Caribbean Community and Common Market and is composed of countries in the Caribbean. The Rio Group is a regional intergovernmental organization composed of Latin American and Caribbean countries, but excluding the United States and Canada. ALBA (formally the Bolivarian Alliance for the Peoples of Our America) is composed of Venezuela, Ecuador, Cuba, Bolivia, Nicaragua, and a number of Caribbean countries.

States, although not calling the situation a coup d'état directly, argued the “most recent events, which have put in jeopardy the democratic institutional process, the legitimate exercise of power, and the rule of law, are very, very worrisome” (CP/ACTA 1700/09, 15). Additionally the U.S. ambassador read letters from President Barack Obama and Secretary of State Hillary Clinton, which noted that the events violated the Inter-American Democratic Charter and “should be condemned by all” (CP/ACTA 1700/09, 15). The Secretary General spoke directly to the Permanent Council, arguing that the events in Honduras were exactly what Article 20 of the IADC refers to, i.e. “the alteration of the institutional order that gravely affects the democratic order of the Republic of Honduras” (CP/ACTA 1700/09, 3). Secretary General Insulza also called on the Permanent Council to invoke Articles 20 and 21, which would authorize the Permanent Council to undertake diplomatic initiatives and, if those failed, would lead to the convocation of a special session of the General Assembly, during which the member states could authorize additional diplomatic initiatives or vote to suspend the country from the organization. Although some member-states, such as Venezuela and Nicaragua, took the opportunity to discuss the history of U.S. intervention in the region and that the OAS “had remained silent or had validated” invasions of member-states in the past, the ambassadors also made the point that now was a moment for the OAS to “vindicate” itself (CP/ACTA 1700/09, 7-8). Even with obvious polarization in the OAS between the United States and Venezuela (and its allies), the member-states were united in calling the events in Honduras a violation of the Inter-American Democratic Charter.

Resolution 953, passed by the Permanent Council in its emergency session, invoked Article 20 of the IADC, condemned the “unconstitutional alteration of the democratic order,” demanded the return of President Zelaya to his constitutional functions, noted the President by

his name<sup>21</sup>, authorized an emergency meeting of the General Assembly, and condemned the detention of the Minister of Foreign Affairs and the other ministers and individuals that had been detained. In conjunction with the responses from individual states, the message to the coup government was intended to be clear: a coup d'état was not an acceptable way to manage institutional conflicts and a coup government would face consequences if it did not reverse course.

Although the regional intergovernmental organizations vehemently condemned the events in Honduras, the Micheletti government refused to back down, resting its argument in the constitutionality of the succession and the illegality of Zelaya's actions in proposing to reform the constitution to extend presidential term limits. On June 30, 2009 the OAS General Assembly held a special session to discuss the events in Honduras and to hear a statement from President Zelaya. During this General Assembly meeting, the member states agreed that there needed to be greater pressure on the coup government and issued a resolution which not only reaffirmed the condemnation of the coup and the demand for the reinstatement of President Zelaya, but also instructed the Secretary General to undertake diplomatic initiatives to restore democracy and the rule of law to Honduras. The resolution called for a Special General Assembly to suspend Honduras' membership from the OAS if the diplomatic initiatives by the Secretary General and other actors proved unsuccessful within 72 hours. In those 72 hours, Secretary General Insulza met with members of the judicial and legislative powers in Honduras, and, determining that the de facto regime was "extremely firm" and "inflexible" in its attitudes about the situation, recommended to the General Assembly that Honduras be suspended from the OAS (Organization of American States E219/09 2009). Based on the recommendation from the

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<sup>21</sup> One of the concerns of Nicaragua and Venezuela was that Resolution 952 did not refer to President Zelaya by name, which to those states, indicated the OAS did not offer full support to President Zelaya and made it appear that a transition that appeared constitutional would potentially be accepted.

Secretary General, Honduras was suspended from the Organization of American States by a unanimous vote in the General Assembly (“OAS AG/RES.2 (XXXVII-E/09)” 2009).

In addition to the suspension of Honduras from the organization, the OAS also designated Costa Rican President Oscar Arias as a mediator to discuss a solution to the crisis. Between the suspension of Honduras in July and the final agreement to a solution mediated by President Arias, a number of key events occurred that increased the severity of the crisis. One of those events was the return of Manuel Zelaya to Honduras on September 21<sup>st</sup> and the ensuing violence and protests regarding his return. In an effort to avoid detention by the de facto government, Zelaya returned to Honduras and took refuge in the Brazilian embassy. His presence in Honduras led to tension and violence between pro-Zelaya factions and the government. Upon learning that Zelaya was back in Honduras and in the Brazilian embassy, Secretary-General Insulza issued a press release calling for “calm in all stakeholders in the process” and stressing that the de facto government “should be responsible for the safety of President Zelaya and the Embassy of Brazil” (Organization of American States E-300/09 2009). The Permanent Council also met on the 21<sup>st</sup> and issued a declaration calling for the “de facto authorities” to “ensure the life and physical integrity of President Zelaya and a treatment consistent with his high office, as well as his return to the Presidency of the Republic in accordance with General Assembly Resolution AG/Res. 1 (XXXVII-E09)” (Organization of American States CP/DEC. 42 (1716/09) 2009). They also called for the de facto regime to agree to sign the Tegulcigapa-San Jose Accord (hereafter referred to as the San Jose Accord) that had been negotiated over the previous months by President Arias. In response to Zelaya’s return, protests in support of Zelaya were organized. The Micheletti government responded with “excessive use of public force” and imposed a curfew

(IACHR 65/09 2009). Again, the Permanent Council, Secretary General, and other officials of the OAS continued to condemn the actions taken by the de facto regime in Honduras.

After months of back-and-forth diplomatic missions to Honduras and negotiations led by President Arias, the San Jose Accord was signed in October 2009.<sup>22</sup> The Accord included a variety of expectations to be met in order to “achieve reconciliation and strengthen democracy.” These expectations included the creation of a government of national unity- composed of representatives of different political parties and social organizations, the authorization of international electoral observers at the general election, and the expectation that there would be a renunciation of the calls for a National Constituent Assembly and for the amendment of the “unamenable” articles of the Honduran Constitution. An additional component of the Accord was the establishment of a Verification Commission to monitor whether the various actors in the crisis were following the Accord. Despite the agreement and the isolation of the Honduran government by the international community, the efforts by the international community were not successful in a number of key provisions, including the restoration of Zelaya as president and the inclusion of a unity government including allies of Zelaya<sup>23</sup>. However, the Accord demonstrated action taken on behalf of the OAS and regional states to seek a solution to the crisis, regardless of its success.

Honduras held presidential elections in November 2009, in which Porfirio Lobo, the candidate of the conservative party, won the executive office. The United States recognized the

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<sup>22</sup> A mission of foreign ministers scheduled for mid-August was cancelled, then rescheduled after further discussions between Secretary General Insulza and a delegation from Honduras. As part of the missions the delegation from the OAS worked to mediate with multiple groups from Honduran society and encourage the signing of the San Jose Accord. The cancellation or restriction of diplomatic missions by the de facto government occurred multiple times over the course of the crisis, but after diplomatic negotiations with the de facto government of Honduras each time, the missions were eventually allowed in to continue to press for a resolution to the crisis.

<sup>23</sup> Zelaya refused to give a list of candidates for the Government of National Unity, arguing that there should also be a vote in Congress on whether to restore him to office. Micheletti, on the other hand, stated the deadline for Zelaya to give the list of candidate had passed and that he would be forming a government of National Unity without Zelaya’s representatives (BBC News 2009).

results of the election, but noted that the election was only a first step and that the Honduran Congress still needed to vote on the restoration of Zelaya and needed to form a government of national unity. The move to recognize the election of Lobo as President was followed by Panama, Peru, and Costa Rica; however, Lobo was still not recognized by a number of other countries in the region, including Brazil (Charles 2009). The divisions with regards to the status of Honduras continued, and the OAS did not lift the suspension of Honduras until 2011, after another round of mediations, diplomatic missions, and eventually, in May 2011, the agreement by both the Lobo government and President Zelaya to the Cartagena Accord. In the Cartagena Accord, the Lobo government allowed Zelaya to return back to the country and pledged that Zelaya's allies would be allowed to participate in politics. Although the OAS and its pressure on the Honduran coup regime failed to achieve many of the goals set out, such as reinstating Manuel Zelaya as the President of Honduras, the response of the OAS to the crisis in Honduras represented the most clear, immediate, and forceful response to a crisis in the region since the end of the Cold War.

#### 4.5 *Comparing the Responses to the Crises in Ecuador and Honduras*

It was clear to most observers that the events in both Ecuador and Honduras were crises that amounted to interruptions of the democratic order and yet, as noted in the summaries, the responses from the OAS and other regional organizations varied significantly. If the explanatory variable were simply that the OAS is more likely to respond to coups d'etat, then we would expect a similar response to each crisis. Prior explanations have largely failed to capture the key differences between the crises in Ecuador and Honduras and how those affected the responses of the regional intergovernmental organizations.

I argue that the variation in responses is better understood when we consider the severity of the crisis, defined as the extent to which the crisis threatens the fundamental foundation of

democracy in the state, and how the severity of the crisis mitigates the effects of time, uncertainty, polarization, and incomplete information. So why was Ecuador, despite the outcome being the removal of President Jamil Mahuad from office in a coup, less severe than the removal of President Zelaya?

When we look at the cases in their total context, outside of the label of “coup d’etat”, we notice key differences in the severity of the cases, and as a result we can see how uncertainty, time, information, and polarization had a greater impact on the outcome for Ecuador compared to Honduras.

#### *4.6 The Variation in the levels of Severity and the Role of Uncertainty, Polarization, Time and Information*

I argue that the threat to the underlying foundation of democracy varied in the two cases due to the following factors:

- 1) Popularity Ratings of the Embattled Presidents- In the crisis in Ecuador, the low approval rating (6%) for Mahuad, the massive involvement from civil society, and the relatively strong approval ratings for the junta leaders led to the belief for many major decision-makers that the Mahuad government simply could not stay in power. Francisco Carrión, then Ambassador to Spain and a well-respected government minister in various other administrations, noted in a personal interview that, in general, it was clear that the Mahuad administration was “unsustainable” (Carrión, June 18, 2014). In this sense, the coup d’etat was not a “traditional coup d’etat, in that there was popular participation,” and as a result it was more difficult for international organizations to respond to the crisis by putting pressure on the coup leaders to return President Mahuad to office (Carrión 2014). The reality that much of the population was supportive of the removal of Mahuad meant the international actors accepted the transition to the

Vice President and didn't choose to sanction Ecuador further for the failure to restore President Mahuad to office.

In Honduras, divisions amongst the institutions as opposed to street protests and civil society involvement largely drove the crisis. Although Zelaya's popularity rating had indeed been falling, leveling around 30% at the time of the coup, that is in marked difference to the near-bottom popularity rating of Mahuad. In addition, the opinion polls in the Honduran case demonstrated higher levels of support for Zelaya than for Micheletti, as well as a lack of faith in the Micheletti government. Numerous pro-Zelaya rallies were held, demanding the return of Manuel Zelaya and denouncing the Micheletti government, and demonstrated to the international community that a strong plurality of the population was not in favor of the events in the country. The lack of popular support for the events in Honduras as compared to those in Ecuador meant a greater threat to democracy in the crisis state. With moderately high levels of support for the removal of Mahuad in Ecuador, some international actors were concerned that the "popular will" of the people would be ignored and the pressure of restoring Mahuad as president would only serve to undermine the notion that popular will is a key component for democratic stability. The uncertainty regarding the consequences of insisting Mahuad remain in power presented a strong deterrent to more formal insistence on the continuation of Mahuad in power. As a result, the lower levels of severity meant that uncertainty regarding the consequences of action had a greater impact in Ecuador than in Honduras.

The polarization in opinions regarding the right of the people to protest and remove a president from power was also expressed in the Organization's Permanent Council meeting during the discussion over whether the PC had been convened to discuss the invocation of Resolution 1080. Without the installation of a lasting junta-led government, the levels of



polarization regarding the best course of action and the role of the OAS in responding to the crisis were not overcome.

2) Duration of the Coup in Ecuador and Acceptance of the Transition to Noboa: The coup in Ecuador was over within 24 hours. With Mahuad's explicit recognition of the succession to Vice President Gustavo Noboa, the congressional vote that reinforced the succession, and the subsequent return to constitutional order, the OAS likely did not have much incentive to invoke any further democracy clauses or invoke more sanctions<sup>24</sup>. In fact, the PC did not meet again until the events of January 21 were over, settled, and a "sense of normalcy" had been restored (CP/ACTA 1221/00). In contrast, the refusal of the coup government in Honduras to accept the return of Zelaya (both in terms of allowing his return to the executive office as well as a guarantee of safe passage to Honduras for Zelaya) meant a longer time for regional organizations to try multiple different tactics. As a result, the OAS was able to attempt a wider range of solutions to the crisis in Honduras.

3) The Behavior of the Actors in each country: With regards to severity, the most important variation in the severity of each crisis is based on how the coup leaders and ousted government officials behaved during and after the crisis. In a personal interview on June 18, 2014, when I asked why there was a variation in the responses to the two crises, Teodoro Bustamante, a well-known academic based at the Facultad Latinoamericana de Ciencias Sociales Sede Ecuador (FLACSO), referred to the characteristics of the crises in Ecuador as "no ha sido tan duro, tan terrible" (they have not been so hard, so terrible) (Bustamante 2014). He argued that there is an "umbral" or a "threshold" that initiates a response, and that the crises in Ecuador, since they had not been so bad or so terrible, did not reach that same level and, as a result, did not receive quite

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<sup>24</sup> It is important to note again that although Mahuad accepted the transition to Noboa, he did not officially resign and insisted that his actions were about helping to stabilize Ecuador, not about an acceptance of the mechanisms through which he was removed.

as extensive as a response. When that threshold is met and the “message” is sent that this crisis needs a response, a response equal to the threat occurs. However, since the crises in Ecuador did not reach that threshold, the responses were limited. This “threshold” understanding supports the idea of the severity of the crisis. When we look at the variation in the severity of the crisis, we can see how the Honduran crisis likely tipped the balance over the threshold, whereas the Ecuadorian crisis did not.

In Honduras, the reading of a false resignation letter, the suspension of civil liberties, the arrest and arbitrary detention of the Foreign Minister and the ambassadors of other Latin American countries, and the expulsion of President Zelaya to another country were issues that threatened the notion of a constitutional and democratic order and raised concern amongst the member-states in the region regarding the effects of those particular decisions on the status of democracy in Honduras. At the same time, Zelaya was effectively using the networks he had established in the region and also used the regional and supranational IGOs (such as the UN) to inform and catalyze a reaction to the crisis in Honduras. In the personal interview, Teodoro Bustamante also noted that part of the reason for the variation in responses was not necessarily because Zelaya was more sympathetic or liked than Mahuad, but rather because Zelaya had the network of alliances built to notify them that he was “hurt” and to request a forceful response from the IGOs to the Micheletti government.

On the other the other hand, the behavior of key actors in Ecuador, with special focus on General Mendoza, reduced the levels of severity. By taking over the military seat of the junta and then removing military support for the coup government, General Mendoza effectively ended the process of the coup d’etat. International pressure and the threat of sanctions on Ecuador proved sufficient to change the behavior of Mendoza to reestablish the democratic and constitutional

order. In addition to Mendoza's actions, Mahuad was unable (or did not have the foresight and networks to keep the OAS informed like Zelaya) to activate the network of the regional IGOs and keep them informed and actively involved in the events before and during the crisis. As a result, the behavior of the perpetrators of the coup affected the level of severity of each crisis, and the variation in the ability to provide information by each embattled president affected the information with which the regional organizations had to work.

In light of the variation in severity between the two crises, we can more clearly see how time, uncertainty, polarization, and information played a role in reducing the overall response of the OAS to the crisis in Ecuador as compared to Honduras. Had the crisis in Ecuador lasted longer or the behavior of the junta been more of a threat to the status of democracy in the country, it is likely that the mitigating factors that reduced the response in Ecuador would have been less important and the international community would have responded in ways more similar to the response to the Honduran crisis, a counterfactual supported by Boniface (2007).

#### 4.7 *Conclusion*

In this chapter, I argued that the variation in the responses of the Organization of American States to the crises in Honduras and Ecuador is due to the variation in the levels of severity of the two crises. Due to the lower levels of severity of the crisis in Ecuador, the intervening factors of time, uncertainty regarding a response, the role of information, and polarization within the OAS lessened the ability of the Organization to respond forcefully and with the invocation of the primary democratic instruments available to the Organization. On the other hand, the high levels of severity due to the behavior of the actors in the crisis in Honduras meant the OAS was not only able to respond forcefully and with the invocation of the primary democratic instruments, but also that the Organization was able to overcome the potential influence of time, uncertainty, polarization, and information.



## 5 Chapter Five: “Near-Coup Crises”: Bolivia 2003 and Ecuador 2004-2005

What explains the variation in responses from regional intergovernmental organizations (IGOs) to presidential crises in Latin America? In the previous chapter, I demonstrated that the variation in responses to the coups d’etat in Ecuador in 2000 and Honduras in 2009 was driven by the decrease in the severity of the crisis in Ecuador due to the dissolution of the junta by General Mendoza and the succession of Vice President Noboa to the executive office, and, as a result of the reduction in severity, the increase in the importance of the intervening variables of time, uncertainty, information, and polarization for that crisis. Part of what is interesting in the region of Latin America is that traditional coups d’etat, where the military takes an active role in the removal of a president, either independently or in alliance with other actors, have reduced in frequency since the end of the Cold War. Coups are now considered rare instances of democratic crisis in the region. However, other forms of democratic crisis, known under a variety of names such as “civil society coups” (Encarnación 2002), “presidential interruptions” (Marsteintredet 2014), “failed presidencies” (Hochstetler and Edwards 2009) and “impeachment coups” (Boniface 2007) have been on the rise and present a unique and new challenge to the consolidation of democracy in Latin America.

As a result of the rise of these new types of crises in Latin America, we must ask whether the variation in responses to cases that are not coups d’etat is also due to the variation in the levels of the clarity and severity of the crisis. Additionally, if clarity and/or severity are low, is the variation in responses due to the influence of the intervening variables of uncertainty, time, information, and polarization? In this chapter I demonstrate that the expected relationship between severity, clarity, and responses from regional intergovernmental organizations holds for “near coup crises” as well. I also demonstrate that during times when clarity or severity were

low, the influence of time, polarization, uncertainty, and information played a significant role in explaining the variation in responses to “near coup crises.” I use the archetypal cases of Bolivia in 2003 (the protests against and eventual resignation of President Gonzalo Sánchez de Lozada) and Ecuador 2005 (the protests against and the removal of President Lucio Gutiérrez for “abandoning his post”) to demonstrate the strength of my argument. These cases provide similar circumstances- mass protests against the executive, eventual resignation and/or exile of the president, and a constitutional transition to a successor. However, the circumstances surrounding the crisis in Ecuador were potentially more severe, in that there were concerns that the removal of President Gutiérrez amounted to a congressional coup, leading to pressure from the Permanent Council on the Ecuadorian government to invoke Article 18 of the Inter-American Democratic Charter (IADC) to gather more information on the situation. Article 18 authorizes the Permanent Council or Secretary General of the OAS, with the prior consent of the government concerned, to arrange for visits or other actions to analyze the situation and then to submit a report to the Permanent Council for a collective assessment of the situation and a determination of further decisions. In Bolivia, despite the crisis bordering on severity, the President of Bolivia chose to refrain from invoking the IADC, and instead resigned in the face of protests. In this chapter, I will demonstrate how the behavior of the main domestic actors affected the levels of clarity and severity of the crisis, and as a result, increased the importance of the intervening variables of time, information, polarization, and uncertainty, which led to the variation in responses.

This chapter proceeds as follows: I will first summarize the events of the crises in Bolivia and Ecuador and the responses from the regional intergovernmental organizations to the crises. The focus will be on the Organization of American States (OAS), but will mention the responses of other regional organizations, such as the Andean Community (CAN), Mercosur, and the Rio

Group. However, this chapter is primarily limited to an in-depth review of the variation of responses of the OAS because UNASUR had not been fully created, neither Bolivia nor Ecuador were members of Mercosur at the time, and other regional groups, such as CAN and the Rio Group, did not have defense-of-democracy mechanisms developed to the same extent as the OAS.<sup>25</sup> It is, however, important to note their responses to the crises as they unfolded since many of them issued declarations regarding the events unfolding in the countries. Finally, after summarizing the crises and responses of the regional IGOs, I will demonstrate that the crisis in Bolivia was less severe than the crisis in Ecuador and that levels of clarity varied over time for each case. Due to the variation of clarity and severity over time in each case, the intervening factors of time, information, uncertainty, and polarization led to the variation in responses. Ultimately, higher levels of severity and clarity in the Ecuadorian crisis resulted in a more in-depth and comprehensive response.

### 5.1 *The Bolivian Crises of February and October 2003*

When Gonzalo Sánchez de Lozada (known as “Goni”) was elected President of Bolivia and took office in August of 2002, his support was already tenuous. Due to the nature of the electoral system in Bolivia, Goni secured the executive office with only 22.5% of the popular vote in the second round of elections, defeating a last minute surge of support for the Movimiento al Socialismo (MAS) candidate, Evo Morales.<sup>26</sup> Like many presidents in the Americas during the early 2000s, Goni inherited a weak economy, high levels of inequality, and a populace that was highly active in expressing frustrations with the entrenched political system.

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<sup>25</sup> Ecuador, as an associate member of Mercosur, is not considered a full member of the economic union. Bolivia is currently (as of 2015) in the process of incorporating as an associate member. The Cuzco Declaration, which signaled the intention of the South American States to create a political and economic union that would eventually align with Mercosur was signed in 2004, although the incorporation of UNASUR as a deliberative body was not completed until 2008.

<sup>26</sup> Since no candidate won more than 50% of the vote, the National Congress chose the executive. Gonzalo Sánchez de Lozada was chosen by the National Congress to serve as President of Bolivia, winning 84 of the 127 Congressional votes (Singer and Morrison 2004, 181).

Protests had been occurring with relative frequency, including the 2000 Cochabamba Water Protests (also known as the Cochabamba Water Wars), and had created difficulties for the prior Banzer-Quiroga administration.<sup>27</sup> Although protests from indigenous groups were common, much of the discontent within civil society was economic, with issues such as higher pensions, coca eradication policies, higher salaries, and the right to earn a living from coca forming the key concerns underlying civil society protests (Barr 2005, 71). Due to the multitude of issue-areas citizens had concerns about, protests tended to have a snowball effect, involving wide swaths of civil society and leading to a proliferation of demands and people on the streets when one group began a protest (Barr 2005, 72). The situation in Bolivia was uneasy before Congress chose Goni as president and due to the lack of majority support for Goni from the citizens, the numerous issues that failed to receive satisfactory responses from the government, and the pressure external actors put on the Bolivian government, the divide was deepened between citizens and their institutions.

Although Bolivia's economy had seen a slight turnaround in terms of GDP growth, the promises of neoliberalism had not been translated into social progress. As noted by Barr (2005, 76-77):

“The country's healthy GDP growth rate of 5 percent in both 1997 and 1998 fell to 0 percent the following year, sparking the first round of protests during the Banzer administration. Although GDP growth has since improved- it rose 2 percent in 2000, followed by 1 percent, 2.8 percent, and 2.5 percent in subsequent years- the impact has been largely nullified by the 1.9 percent annual population growth rate. Life expectancy is just over 64 years, and the under 5 infant mortality rate is 66 per 1,000 births; both figures are the worst in the hemisphere except for Haiti.”

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<sup>27</sup> Hugo Banzer led a coup d'état and presided over a dictatorial regime from 1971-1978. He was reelected in 1996 and served a second term from 1997-2001 before resigning due to ill health. His Vice President, Jorge Quiroga, completed the term but was barred from seeking reelection as President due to constitutional limits on consecutive reelection.



Despite the weak economy and the high levels of poverty in the country, the International Monetary Fund (IMF) continued to pressure Bolivia to implement the neoliberal policies and structural adjustment programs (known as The Washington Consensus) promoted by the IMF and other International Financial Institutions (IFIs). According to the World Bank and IMF, the structural adjustment programs would improve growth and address inflation, “reduce governments’ economic role and open economies to international capital,” all of which would lead to “superior economic performance” (Kohl and Farthing 2009, 62; Williamson 1993, 1330). Despite the promises, the policies and programs endorsed by the IFIs created more instability and pitted Goni and his administration in a constant battle with the majority of the population.

In February 2003, in an attempt to institute the neoliberal policies of the IMF and demonstrate that Bolivia could be trusted for additional loans and support, Goni announced a flat 12.5 percent tax for salaried workers, coupled with other economic changes, such as “a 10 percent cut in government expenses, sharp limits on pay increases, and no new money for the universities” and only a “2.2 percent increase” in income for the police (Greenberg 2009, 388). The reaction to the austerity plan presented by Goni was very negative. Two days of protests and conflicts left 30 people dead, government buildings burned, and stores looted (Barr 2005, 70).

## 5.2 *The OAS Response to the February 2003 Crisis in Bolivia*

Although protests had been occurring with relative frequency in Bolivia, as noted above, the marches and protests in February (and later in October) were the deadliest in the country since the 1952 Revolution (Barr 2005, 70). In response to the deadly protests, Bolivia’s Permanent Mission to the Organization of American States asked for an extraordinary Permanent Council meeting, which was held on February 14. At this first meeting of the Permanent Council to address the February crisis, the goal of the Bolivian ambassador was to pass a resolution written by the Bolivian delegation which expressed support from the Organization of American

States for the government of Gonzalo Sánchez de Lozada, condemned the acts of violence, and encouraged a peaceful and successful resolution of the crisis.

In this first meeting, Bolivia's foreign minister, Carlos Saavedra Bruno, described the events that were occurring in the country, couching his discussion in the impact of the economy and concerns for the stability of democracy in Bolivia if the protests and violence were to continue. In one portion of his discussion, Saavedra Bruno stated: "*it is possible to represent...a situation which puts at risk the democracy, democratic stability and institutional framework of our country*" ("OAS Meeting Minutes CP/ACTA 1355/03" 2003, 5). The response to the Bolivian ambassador and his summary of the crisis was unanimous in its support for the country and the country's democracy, although there were disputes about the roots of the crisis. Venezuela and Mexico made specific mention of Articles 12 and 13 of the Inter-American Democratic Charter, which refer to the need to address poverty, economic development, and economic and social rights. In particular, Venezuela repeatedly made the point that the crisis in Bolivia was a social one, not a political one, and as such, any action from the OAS should include references to those Articles.

Other member states, such as Panama and the United States, focused on the political aspects of the crisis. Panama suggested the invocation of the Inter-American Democratic Charter (IADC) because Panama argued that the OAS and the IADC were there "to protect democracy" (CP/ACTA 1355/03, 9). The Bolivian ambassador recognized the influence of social and economic factors and agreed that the influence of those factors was important. He also recognized that there were a number of member states that suggested the invocation of the IADC, but stated his goal was to secure a resolution showing support for the Bolivian government that was supported by the IADC. He also noted that if the resolution referred to

almost every article of the entire IADC, in the end the resolution would not be read by anyone (CP/ACTA 1355/03, 20).

Earlier in the discussion, the ambassador also clarified that the language of the resolution was meant to refer to the IADC, but not to invoke the mechanisms of the IADC, such as Articles 17 or 18, at that point. Invocation of Article 17 would have required a request for invocation directly from the Bolivian government. Although Article 18 can be invoked by any member state, the prior consent of the government concerned is required before visits or other actions to analyze the situation are allowed. Although the Bolivian government noted the dangers to democracy and the government, the ambassador said they wanted to “keep the window open” to be able to invoke these articles of the IADC if the situation later merited, but chose to not directly invoke either of those articles nor ask for specific assistance in the form of diplomatic missions at that point (CP/ACTA 1355/03, 11).

The member-states of the OAS Permanent Council agreed to pass the resolution put forth by Bolivia that did not invoke the IADC but did express support for “the constitutional government of the Republic of Bolivia, Gonzalo Sánchez de Lozada, and for the democratic institutions” and reaffirmed “the firm resolve of the member-states to apply the mechanisms of the Inter-American Democratic Charter for preserving democracy” (CP/Res. 838). Although the member-states were in agreement that a democratic crisis was brewing in Bolivia and the recent events posed a potential threat to democratic stability in the country, there had not yet been an alteration in the democratic order. Without an unconstitutional alteration and with the request by the Bolivian delegation to put the invocation of the IADC on hold, the OAS Permanent Council limited its resolution to one of firm support for Goni’s government and a warning to the opposition that a violation of the IADC would not be tolerated. In other words, at the February

meeting it was clear that a crisis was occurring, but there was uncertainty as to further steps the OAS should take. The Bolivian delegation wanted to keep the window open for invoking the IADC, and at that point did not ask for further support in the form of good offices, mediation, or a fact-finding mission.

The response from the OAS to the crisis in Bolivia is consistent with the theory that clear and severe crises will be met with greater responses from the Organization of American States. The member states of the Permanent Council agreed to a firmly worded Resolution, expressing support for the democratically elected government and conveying that the Organization was fully willing to employ its primary democratic instruments if the situation merited that response in the future. Although the PC did not invoke the Inter-American Democratic Charter at that time, that action was due more to the request from the Bolivian government to wait to invoke the Charter than due to other concerns. In spite of the disagreement on the root causes of the crisis, the member states seemed willing to invoke the IADC in some form had Bolivia requested or given prior consent to the diplomatic actions authorized by Article 18.

### 5.3 *The October 2003 Crisis and the OAS Response*

Between the crises in February and October, protests continued in Bolivia against the Goni government and against many of his policies. Between these two major crises, the Bolivian government regularly updated the Permanent Council regarding the situation in the country. In late February, Bolivia requested additional support from the OAS to form a commission to investigate the deaths of the protestors from the February crisis to help discover who was responsible for the deaths and the instances of vandalism (“OAS Meeting Minutes CP/ACTA 1357/03” 2003). In September 2003, Vice President Carlos Mesa met the member states in a Permanent Council meeting to update them on the situation in the country and received statements of support from the member states in the Permanent Council. Although the OAS

remained informed regarding the events and was involved in the investigation of the deaths, discontent in Bolivia towards the Goni government grew.

The catalyst for the protests in October 2003 was the announcement of a proposal to export natural gas from Bolivia's reserves through Chile and then to the United States and Mexico. The proposal ignited long-standing tensions and negative sentiment towards Chile over the loss of Bolivian territory (and its access to the sea) from the War of the Pacific (1879-1884). Protests against the plans to export the natural gas included road blockades around the capital, which led to food and fuel shortages, strikes led by the Bolivian Labor Federation, and mass marches led by indigenous groups, based largely in El Alto, one of the largest suburbs of La Paz where a high concentration of indigenous people live (Alessandro and Tobar 2003). In response to the marches against the natural gas export plans and against Goni's government, on October 11 the President issued Supreme Decree #27209, which dispatched the military to El Alto to ensure the delivery of fuel and food shipments to La Paz. The military used weapons to clear the roads blocked by the unarmed protestors and repressed the protests in El Alto through force. As a result of the use of force by the military to break up the blockades and suppress the protests, confrontations ensued between the protestors and the government forces. More than 50 people were killed and 400 injured as a result of the confrontations (Tuckermann and Salazar de la Torre 2005, 106).

By October 13<sup>th</sup>, the protests had grown to over one million people (out of 9 million in the country) and people from broad swaths of society were demanding Goni's resignation (Kohl and Farthing 2009, 70). Goni instructed his ambassador at the OAS to request the convening of an extraordinary Permanent Council meeting to discuss the situation in his country and to once

again ask for support for the democratic process and his government from the member-states in Latin America.

The Permanent Council of the OAS held an extraordinary meeting at the request of Bolivia on October 13<sup>th</sup>. The Ambassador of Bolivia to the OAS, María Tamayo Arnal, presented the group with an update of the events in Bolivia, expressing concern for the democratic framework and asking for support for Bolivian democracy. At one point in her discussion, Ambassador Tamayo stated that she was concerned because “Bolivia is in danger of a seditious project, supported by the outside, to destroy democracy” (“OAS Meeting Minutes CP/ACTA 1384/03” 2003, 3). According to Ambassador Tamayo and the Secretary General of the OAS, the major concern was that the political opposition had been behaving undemocratically. Although there had been deaths due to the protests and the deployment of the military, the president had been democratically elected and enjoyed the support of a majority of the members of the Bolivian Congress. As part of the Bolivian delegation’s presentation, a draft version of a proposed resolution written by the Bolivian delegation was passed around. The draft version of the resolution reiterated support for the government of Sánchez de Lozada, condemned the acts of violence that had taken place in Bolivia which “endangered its constitutional order,” urged the financial institutions to cooperate with the Bolivian government to contribute to stability and development in the country, promoted dialogue and negotiation, and finally “recalled the firm resolve of member states to enforce the commitments set forth in the Inter-American Democratic Charter for preserving democracy” (OAS Permanent Council CP/Res.849 (1384/03)).

The Secretary General (SG) of the OAS, César Gaviria, spoke after the Bolivian ambassador. During his presentation, the SG informed the delegations that the information

presented by Ambassador Tamayo was accurate and he had been in contact with numerous actors in the country. He notified the Permanent Council that it was his intention to remain connected and informed regarding the events as they unfolded in Bolivia. He also stated hope that the “expressions of disagreement from the opposition can be channeled into democratic and peaceful ways, so that they can return to a path of dialogue and understanding” (CP/ACTA 1384/03, 4).

The presentations of the Bolivian ambassador and the Secretary General painted a picture of a crisis where democratic stability was being threatened and where the Bolivian government needed the support of the Organization of American States to help respond to the crisis in hopes that support would discourage the opposition and push them back towards a path of dialogue. At this point, the crisis was both clear and bordered on severe- it was clear that a crisis was occurring where Article 17 or 18 of the Inter-American Democratic Charter could be applied and severe in that the opposition’s behavior threatened to undermine the democratic order. However, Bolivia chose to not invoke Article 17 and requested that the Organization put the invocation of other portions of the IADC on hold. Although the OAS could offer mediation, good offices, or other forms of diplomatic missions without the invocation of the primary democratic instruments, the OAS would still need the prior consent of the government concerned for those to take place and the Bolivian delegation had only requested a commission to look into the deaths of protestors from the February protests. In the meetings of the Permanent Council, the focus was on the passage of resolutions supporting the Sánchez de Lozada government and the Bolivian delegation did not request additional missions. As a result, the actual invocation of the primary democratic instruments did not occur.

Secondly, the question of the timing of getting the Resolution approved and published came up- demonstrating a need for urgency in the face of a clear crisis. The member-states were

united in their expressions of solidarity and support for the Bolivian government, but were divided in how those expressions should be made. Some of the delegations were strong proponents of applying the IADC and pressing for diplomatic initiatives, although the delegations were not clear on the specific diplomatic initiatives they were proposing. Other member states were hesitant to invoke the IADC without the request of Bolivia, and others, particularly Venezuela, argued that while they supported a resolution, the resolution would need to address the underlying causes of the crisis, mainly the economic and social issues prevalent in Bolivia.

Of all the delegations that spoke at the Permanent Council meeting, the most vocal proponents of applying the IADC were Panama, the United States, Peru, and Paraguay. Panama, speaking after the SG, argued that the OAS was at a “momento historico” (a historic moment) in which the OAS should apply the norms and principles of the IADC in response to the crisis (CP/ACTA 1384/03, 5). The United States echoed that sentiment, arguing that the Bolivian situation is “yet another example of how to apply the Charter” (CP/ACTA 1384/03, 10). Statements from Peru and Paraguay also noted that the time was ripe to “reopen the mechanisms of the IADC” (CP/ACTA 1384/03, 12). These delegations suggested that the crisis in Bolivia was one in which the IADC could apply and should be invoked to demonstrate the intent of the Organization of American States to defend democracy.

The delegations from Argentina, Colombia, Mexico, Belize, and El Salvador (speaking for many of the Central American countries) demonstrated their support for the resolution put on the table by the Bolivian delegation, and with the exception of some minor translation and wording concerns, did not suggest any changes to the draft resolution put forth by Bolivia. Venezuela discussed the situation as “the product of the social crises that we have presently”



(CP/ACTA 1384/03, 12). The Venezuelan delegation noted its satisfaction with the draft resolution put forth by the Bolivian delegation and, noting that the democratic system is a “perfectible” system, expressed its support for the Bolivian “pueblo” (CP/ACTA 1384/03, 12).

Colombia and Mexico both noted that a continuing discussion had the potential of delaying a response to the crisis in Bolivia and, if the discussion continued, the Resolution could become an innocuous instrument (“instrumento inocuo”). The meeting had been called late in the evening and by the point the Mexican and Colombian delegations had the chance to speak, the clock had passed 10 p.m. As a result, the Colombian and Mexican delegations urged the member states to pass the resolution as put forth by the Bolivian government. Chile agreed and said that if Bolivia wanted any changes to be made based on the suggestions put forth, Bolivia could request those, but at that point they should move on. After all, the Mexican delegation stated, the resolution was “the support the Bolivian government has asked us for” (CP/ACTA 1384/03, 16).

At the end of the discussion, the Bolivian ambassador thanked the member-states for their support, for the discussion, and then said that since there appeared to be support among various delegations, that they could adopt the text, in its “original version” (CP/ACTA 1384/03, 18). Resolution 849 was approved by the Permanent Council and published as a response to the ongoing events in the country. The Resolution once again reaffirmed the support of the OAS for the “constitutional Government of the President of the Republic of Bolivia, Gonzalo Sánchez de Lozada” and “recalled the firm resolve of the member states to enforce the commitments set forth in the Inter-American Democratic Charter for preserving democracy” (Organization of American States 2003). In addition, the Resolution called for dialogue and negotiation among all political and social sectors of Bolivia, deplored the loss of life, urged the financial institutions to

cooperate with the government of Bolivia, and condemned the violence that had taken place. Again, the response from the Organization of American States involved meetings of the Permanent Council and resolutions, however it fell short of the invocation of the primary democratic instruments and additional offers for dialogue or other diplomatic efforts were lacking.

In response to the protests against his presidency and shortages of fuel and food due to the blockades around La Paz, Goni authorized the use of force by the military and imposed martial law in El Alto. Violent clashes between the security forces and the protestors led to the deaths of sixteen people, which also left the Goni government in an “untenable position” (Dawson. The continuing protests and the use of force led to a withdrawal of support for Goni by key members of his administration, including Vice President Carlos Mesa. On October 17<sup>th</sup>, President Gonzalo Sánchez de Lozada announced his resignation to Congress, which accepted his decision to resign. Vice President Carlos Mesa constitutionally succeeded Goni to the office of President, announced that a referendum would be held over the issues of natural gas in Bolivia. For a short period of time, it appeared that life had quieted in Bolivia.

At a regular session of the Permanent Council on October 22<sup>nd</sup>, Ambassador Tamayo addressed the Permanent Council and stated that “a democratic process” had been achieved in Bolivia (“OAS Meeting Minutes CP/ACTA 1387/03” 2003, 5). She also stated that although “Bolivian institutions were tested” it was demonstrated that “Bolivia has a profound democratic conscience that allows the advance of democracy toward a horizon of hope” (CP/ACTA 1387/03, 4). The resolution authored by the Bolivian delegation, titled “Response to the Constitutional Process of the Republic of Bolivia” was passed unanimously, although not until after a variety of delegations spoke. As part of the discussion, the delegation of Chile stated that

the continent was “able to solve its most grave crises with fidelity to the text and spirit of the IADC” (CP/ACTA 1387/03, 9). The delegation of Peru supported the process in Bolivia and acknowledged the succession of Carlos Mesa as President. They also read a statement by the Rio Group, stating that the swearing in of Mesa “reaffirms the democratic legitimacy” in Bolivia (CP/ACTA 1387/03, 7). Venezuela’s delegation offered its support of the Bolivian people and announced that President Hugo Chávez was willing to mediate between the conflicting parties in Bolivia (CP/ACTA 1387/03, 11). Other countries, such as Canada, Uruguay, Belize, and Nicaragua all expressed their support for Bolivia and pleasure at the prospects for stability and democracy in the future. With the acceptance of the transition to Mesa, the OAS accepted that the crisis had been adequately handled for the moment and continued the meeting to pursue other business.

By the end of the crises that Bolivia faced in 2003, the Permanent Council of the Organization of American States had issued three resolutions, two of which demonstrated the willingness of the Organization and the Permanent Council to apply Articles 20 and 21 to the crisis and a mission to investigate the deaths of a number of protestors from the February protests had been authorized. However, Goni’s resignation and the constitutional succession of Vice President Mesa to the presidency meant that Articles 20 and 21, which could be invoked in the instance of an unconstitutional interruption of the democratic order or an unconstitutional alteration of the constitutional regime, were not invoked. As a result, the OAS Permanent Council took the necessary and most effective steps it could take while also considering the role of sovereignty for Bolivia.

The crisis in Bolivia provides an interesting contrast to the crisis in Ecuador between 2004 and 2005. Why did the OAS Permanent Council invoke the Inter-American Democratic

Charter for the crisis in Ecuador but not for the crisis in Bolivia? Why did the international community respond with greater force to the crisis in Ecuador than to the crisis in Bolivia? In order to answer these questions, it is important to understand the background of the Ecuadorian crises as well as the viewpoints of the various member-states with regards to the crises in Ecuador.

#### 5.4 *Ecuador 2004-2005: A Coup D'etat in Institutional Clothing or The Justified Response to an Autogolpe?*

After serving a short prison sentence due to his participation in the coup of 2000, Lucio Gutiérrez created the political party “21 January Patriotic Society Party” (PSP) and ran for the office of President in 2002.<sup>28</sup> In an alliance with the indigenous party, Pachakutik (MUPP-NP), Gutiérrez managed to place first in the first round of voting with 20.3 percent of the vote.<sup>29</sup> However, since he failed to win a majority, a second round of voting was held in which he beat banana magnate Alvaro Noboa, winning 54.5 percent of the vote and securing the executive office. Despite his campaign alliance with Pachakutik and the leftist nature of his campaign platform, once in office Gutiérrez implemented a series of neoliberal policies promoted by the International Monetary Fund (IMF) and the United States. At one point Gutiérrez even told George W. Bush in a meeting that Ecuador would be the “best friend” the United States would have in the region (The Economist 2003).

In response to the decisions made by Gutiérrez, Pachakutik publicly broke its alliance with the PSP and aligned with the main opposition party, the Social Christian Party (PSC), to attempt to impeach Gutiérrez for a variety of charges, including “embezzling state funds to

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<sup>28</sup> The coup in 2000 occurred in the 21<sup>st</sup> of January. The political party was named to honor the events of that day.

<sup>29</sup> Pachakutik’s full Spanish name is “Movimiento de Unidad Plurinacional Pachakutik- Nuevo País” (Pachakutik Plurinational Unity Movement).

campaign for local elections in October 2004, as well as risking national security by requisitioning state-owned transport for the campaign” (BBC News 2004).

The move to impeach Gutiérrez failed in Congress after many of the members of the PSC broke with the party, allegedly due to intense lobbying and bribes from the Gutiérrez administration, and refused to vote to impeach Gutiérrez (BBC News 2004). However, the impact of the loss of the alliance with Pachakutik and the pressure put on him from the PSC meant that Gutiérrez had to form new alliances with other parties in Congress in order to push through his legislative agenda. The alliance he put together, known as the “New Majority,” included the party of the man defeated in the 2002 elections (Alvaro Noboa and the Institutional Renewal Party of National Action, PRIAN) and the party of exiled former president Abdalá Bucaram (the Roldosista Party). After the failed impeachment process, Gutiérrez called a session of Congress, in which he claimed that the courts were biased in favor of the opposition parties, especially the PSC, and would need to be purged to recalibrate the judicial system. Between November and December 2004, Gutiérrez used the alliances he built with the Roldosistas and PRIAN in Congress to remove and replace “five of seven members of the Supreme Electoral Council, eight of nine members of the Constitutional Tribunal, and 27 of 31 members of the Supreme Court” (Shifter 2004).

The removal of the justices and appointment of new ones were met with widespread condemnation from across civil society in Ecuador, including the Catholic Church, local chambers of Commerce, the National Association of Mayors, and legal and political experts (Edwards 2005, 5). As part of these protests against the court purges, *El Comercio*, one of the country’s major newspapers, updated its headline each day with the number of days that had

passed “since the unconstitutional overthrow of the Supreme Court” (Edwards 2005, 2). Protests against the government became commonplace by mid-February 2005 (Levitt 2007, 232).

Despite the protests, the Organization of American States and the Permanent Council of the Organization were largely silent regarding the issue of the Courts. The OAS Permanent Council did not meet to discuss the situation and the Acting Secretary-General of the OAS did not issue any press releases or statements regarding the issue.<sup>30</sup> The United States also remained quiet on the issue, only responding publicly regarding the situation after a scathing op-ed in the *Los Angeles Times* by Michael Shifter. In the public statement, the United States Embassy in Ecuador stated that U.S. Ambassador to Ecuador, Kristie Kenney, had spoken with Gutiérrez and “communicated her concerns” (Edwards 2005, 6). Beyond that, the United States remained relatively quiet on the issue, refraining from outright condemnation of the Ecuadorian government for the purges.

In spite of the reluctance of the OAS or the United States to publicly respond to the crisis, several of the removed judges petitioned the Inter-American Commission on Human Rights (IACHR) of the OAS and the United Nations High Commissioner for Human Rights. These institutions allow for individuals to petition for an investigation into claims of abuse or human rights violations by governments. The Inter-American Commission held hearings regarding the removals of the justices and issued a strongly worded statement in March of 2004 indicating concern regarding the situation in the country. However, the process of hearing a case under the IACHR is an extended one and despite the petition by the justices on December 30 for a case, the IACHR did not adopt the admissibility report until February 27, 2007 and did not refer the case

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<sup>30</sup> The OAS was undergoing a period of uncertainty during this time due to corruption allegations against the new Secretary General, Miguel Ángel Rodríguez. Luigi Einaudi, the assistant Secretary General, assumed the office in the interim period between the resignation of Rodríguez and the election of José Miguel Insulza in May 2005. However, the Permanent Council did meet regarding other issues and the Acting secretary general issued press statements on other concerns.

to the Inter-American Court of Human Rights until 2011 (IACHR Case No. 12,600; Edwards 2005, 8).

The United Nations Commission responded much more quickly, mainly due to the publicized plea to the Ecuadorian government by the Special Rapporteur on the Independence of Judges and Lawyers, Leandro Despouy, to allow the mission in earlier than the government-suggested date in May. With the authorization of the Gutiérrez government, Special Rapporteur visited Quito between the 13 and 18 of March to perform an *in situ* evaluation of the situation. He issued two reports, neither of which was particularly favorable to the government. The preliminary report, released on 29 March 2005, noted numerous violations committed by the Congress in removing the judges, including the failure to allow for a defense by the judges and the lack of constitutional authority for Congress to appoint and remove members of the Supreme Court. The final report was not released until 2006 (Despouy 2005, 2006).

The UN Reports stated that the dismissals of the judges were unconstitutional, but the reports focused mainly on the role of the Congress in the unconstitutional behavior, not on the role of President Gutiérrez. In the reports, Special Rapporteur Despouy made a series of recommendations designed to help Ecuador “secure the full restoration of the rule of law” but did not have any capacity to punish Ecuador’s institutions for unconstitutional behavior beyond the publication of the report and a series of recommendations.

Although there was movement from parts of the international community to step in to the situation where the OAS Permanent Council had not, the protests against the Gutiérrez administration continued into April. At the end of March, the president of the Supreme Court, Guillermo Castro, issued a resolution annulling the corruption charges against former Presidents Bucaram, Noboa, and former vice-President Alberto Dahik (Latin American Weekly Report 05-

13, 1). The return of Bucaram and the idea that he would not be tried for alleged embezzlement, corruption, and other crimes committed during his term as president were major concerns for the opposition parties and were fiercely rejected by much of the Ecuadorian population.

Over the week of April 15-22, the institutional majority created by Gutiérrez began to fall apart and Gutiérrez became more isolated. On April 15, Gutiérrez issued an executive decree that dismissed the Supreme Court created on December 8, 2004 and declared a state of emergency. In spite of the emergency decree, protests continued throughout the night. The following day Gutiérrez rescinded the state of emergency. On April 20, a group of rioting students managed to access the Congressional building and set it on fire (Latin American Weekly Report 05-16, 1). Sixty-two members of Congress, all from the opposition parties and excluding allies of Gutiérrez, met in a special session at another location and declared that Gutiérrez had “abandoned his post,” despite the fact that he was sitting in the presidential palace at the time. The Congress then voted unanimously to remove Gutiérrez from the office of President and replaced him with the Vice President, Alfredo Palacio, as the President. Gutiérrez initially rejected the removal and denounced it as unconstitutional, but once the military leadership announced a few hours later that it would be withdrawing its support for Gutiérrez, he had little option but to flee (LAWR 05-16, 1). An arrest warrant was issued for Gutiérrez, who fled with his family to Brazil to seek exile.

##### 5.5 *The OAS Response to the Removal of Gutiérrez*

The OAS Permanent Council was already meeting in a regularly scheduled session on April 20<sup>th</sup> when the situation became more acute (Levitt 2007, 233). The Ambassador to the OAS from Ecuador, Marcelo Hervas, explained the situation in terms of the economic and political situation Gutiérrez inherited when he took office. Hervas argued that Congress dismissed the judges and Gutiérrez followed their actions. He also argued that it was well known



that the judiciary was biased and the public had called for those institutions to be depoliticized and the independence of the judicial system guaranteed. However, the dispute was over how to make those changes and the debates that were occurring were democratic and had not arrived at levels of “intolerance and political violence” (“OAS Meeting Minutes CP/ACTA 1477/05” 2005; Levitt 2006, 233). In addition, Hervas stated that in the current political crisis, they were “all committed to defending democracy” (CP/ACTA 1477/05, 20). He concluded with the statement that the Ecuadorian government viewed the situation as one in which there were disputes but that the government was open to dialogue to discuss the concerns of the population. As part of his conclusion, Hervas read a note from the UNASUR countries sent by Brazil the day before, in which the foreign ministers expressed their concern for the situation in Ecuador and reaffirmed the preference for a peaceful solution that respected the democratic order. The letter also reiterated the support of UNASUR for governments elected by the popular will and for the rule of law.

In response to the report given by the minister from Ecuador, the United States expressed its appreciation for the information and the support of the U.S. to Ecuador’s government, emphasizing that the United States supports “all of its [Ecuador’s] institutions, from the Congress to the judicial system to the presidency- a democratically elected president” (CP/ACTA 1477/05, 22; Levitt 2007, 234). After the United States spoke, the meeting continued as outlined by the agenda until the final minutes, when the President of the PC announced that the situation had become more complicated and suggested that the member-states suspend the session and reconvene the next day after talking to their home governments and attaining more information. The member states agreed to a suspended session and planned to meet again the following day.

By the time the member states reconvened on April 21<sup>st</sup>, Gutiérrez had been removed from office and was on his way to exile in Brazil. The change in government was also demonstrated by the presentation of the Ecuadorian situation by an alternate ambassador, Jaime Augusto Barberis Martínez. He explained that the situation in Ecuador was the result of “political instability in Ecuador” that had been resolved by the “constitutional process” of declaring that the president had vacated his seat pursuant to Article 167 of the Ecuadorian Constitution. He also stated: “the situation which has occurred in the past few hours is in no way a case of unconstitutional alteration, seriously affecting the constitutional order. It is, on the contrary, a case of presidential succession in the framework established in the constitution and laws of the Republic of Ecuador” (“OAS Meeting Minutes CP/ACTA 1478/05” 2005, 3). In concluding, the ambassador stated that Ecuador was “ready and open to receive collaboration from the OAS to consolidate the rule of law, promote dialogue and a national settlement” (CP/ACTA 1478/05, 4).

Many delegations expressed concern and frustration over the report given by Ambassador Barberis. The Panamanian ambassador expressed his concern over the events and stated “there were facts that escaped his understanding” (CP/ACTA 1478/05, 4). He also directly challenged the report given by the Ecuadorians and asked: “how was it that you came to the conclusion that the seat was vacated?” In response the Ecuadorian ambassador referred again to Article 167 of the Constitution and requested a short break so the member states could have time to “digest” the information and for the Ecuadorian delegation to put together a resolution to be presented (CP/ACTA 1478/05, 4). The Argentine delegation agreed with the request by Ecuador to recess until later. Peru indicated it wanted to speak before the recess and made the point that Panama had made earlier: how was it that the president had “abandoned his seat?” In a forceful moment,

the Peruvian ambassador stated “we cannot accept the predicament (“predicamento”) that ‘nothing has happened’ and that this is something normal” (CP/ACTA 1478/05). He also challenged the Ecuadorian ambassador regarding the vote to remove Gutiérrez, pointing out that 38 members of Congress were missing from the meeting that removed Gutiérrez and wanted to know why.

The ambassador from Ecuador started to respond and claimed he wasn’t stating that nothing had happened in Ecuador. He was then interrupted by the President of the session who stated that the decision on the floor was whether to take a recess and reconvene later. The delegation from Grenada expressed its support for a recess, but also expressed concern that the Permanent Council was moving forward without knowing the correct procedures for how to deal with the situation. He stated that “more focused information on what exactly is going on should be gathered” and that there was “no need for this Council to appear to be debating uncertainties” since they “do have instruments” with which to respond to crises, hinting that the primary democratic instruments could be used (CP/ACTA 1478/05, 8; Levitt 2007, 235). The ambassadors of the member states all agreed with the proposal for a recess to gather more information, with St. Kitts and Nevis also requesting a mechanism for gaining additional information regarding crises rather than relying on “external assessments or opinions” (CP/ACTA 1478/05, 9). Venezuela noted that the ambassadors from Chile, Venezuela, and Brazil were also working together to formulate a response from UNASUR and would appreciate time to complete that statement (CP/ACTA 1478/05, 8; Levitt 2007, 235). The President of the session informed the member states that he would be in contact with the Department for Democratic and Political Affairs to have an updated report of the facts presented by Ecuador for

the meeting tomorrow. The Permanent Council took a recess and reconvened the next day, April 22.

On the 22<sup>nd</sup>, the number of representatives from Ecuador to speak to the Permanent Council had expanded significantly. Newly installed President Palacio sent a delegation composed of Dr. Blasco Peñaherrera Padilla, former Vice President and former Ambassador for Ecuador to the OAS, Dr. Edgard Terán, a former minister of foreign relations and former ambassador to the United States, Ambassador Mario Alemán, a former vice minister of foreign relations and former ambassador to the United Nations in Geneva, and finally, Dr. Gil Barragán, an expert on Law and Constitutionality, a former President of the Tribunal of Constitutional Guarantees, and a former government minister. Peñaherrera gave the presentation, stating that as a former ambassador to the OAS, he had worked on the development of the IADC during one of its stages, and as a result was most suited for the presentation. Peñaherrera then described the actions led by Gutiérrez and his alliance in Congress, calling the dismissal of the judges in 2004 “an assault on the democratic institutions” in Ecuador (CP/ACTA 1478/05, 16). He also pointed to the role of civil society by arguing that the mass mobilizations against Gutiérrez were some of the largest he had seen in Ecuador. To back up his claim, he presented a series of press clippings and news stories that described the protests and the unconstitutional behavior of Gutiérrez. Peñaherrera argued that the behavior of Gutiérrez in 2004 had “destroyed democratic institutionalization” and that the OAS failed to step in then (CP/ACTA 1478/05, 16). He also noted the states of emergency and the allegations that Gutiérrez was behind the pardoning of Bucaram, despite the existence of photos and videos of Bucaram fleeing the presidential palace in 1997 carrying “sacks of money” meant for the central bank (CP/ACTA 1478/05, 18). In closing, Peñaherrera blamed Gutiérrez and his unconstitutional actions for the breakdown in

confidence and support in his government. Without support from the citizens, from the Congress, from the police, or the military, the removal of Gutiérrez was necessary and constitutional. He asked for support from the OAS, in conformity with the IADC, to help Ecuador restore the judiciary in the country.

The response from the Permanent Council member states was relatively mixed. The Panamanian ambassador noted that he was President of the PC in 2004 and the only notification he had received had been from the President of the Chamber of Commerce in Quito and that it did not appear it gave him reason to call a meeting of the Permanent Council at that time (CP/ACTA 1478/05, 20). He also stated that the goals of the organization were not to “take sides in these inter-institutional standoffs” (Levitt 2006, 236). Finally, the Panamanian ambassador suggested that, in response to the request made by the Ecuadorian representative, it was worth sending a mission to Ecuador from the OAS to look into the crisis, a suggestion supported by the majority of the member states. The Panamanian ambassador then sent around a resolution drafted by his delegation that included an authorized mission to Ecuador to gather further information, noting the “deterioration in the institutional life, democracy, and in the political life in Ecuador” (CP/ACTA 1478/05, 20). Nicaragua agreed with a mission but wanted to be sure the mission didn’t “prejudge” so that it could speak with all the parts of Ecuadorian society.

The Department of Democratic and Political Affairs representative then discussed his report, which outlined the series of events leading up to the 20<sup>th</sup> of April, starting with the removal of the justices in December 2004. In his discussion, he supported many of the arguments made by the Ecuadorian delegation: that Congress had the ability to meet extraordinarily and in alternate locations, as long as an absolute majority agreed to the new location, that the actions by Gutiérrez could be considered unconstitutional and a violation of the separation of powers, and

that Congress had the ability to remove the president for abandoning his office. The report by the Department of Democratic and Political Affairs seemed to give justification to many of the arguments that Gutiérrez's removal was not unconstitutional (Levitt 2006, 235).

Although most of the member states supported a political mission to Ecuador to gather more information, Venezuela was more hesitant. The ambassador for Venezuela argued that the OAS should "listen to the voice of the people" and that the popular uprising was a representation of a new kind of democracy in the region (CP/ACTA 1478/05, 25). Despite this hesitation, Venezuela was willing to work on a draft resolution to address the situation based on the resolutions presented by the Panamanian and Ecuadorian delegations.

The delegations agreed to hold a parallel drafting session for a resolution to combine the proposals by the Panamanian and Ecuadorian delegations, and any others that might come up during the drafting process. Paraguay noted that the Ecuadorians had made an offer to invoke the Inter-American Democratic Charter and wanted to be sure that was included in the resolution. After a single draft resolution had been composed and passed, a number of member states took turns speaking. The United States ambassador argued that although the situation appeared to be stabilizing, that the Organization should "proceed with caution" (CP/ACTA 1478/05, 36). He also stated that the United States delegation "thinks that this Council must act in the spirit of the Inter-American Democratic Charter" and that the United States supported "measures under the Charter, particularly Article 18," to work towards a constitutional solution to the crisis (CP/ACTA 1478/05, 36). He also offered direct U.S. assistance if Ecuador requested it.

By the end of the day on April 22nd, the Permanent Council passed Resolution 880. The resolution invoked Article 18 of the IADC, with the consent of the Ecuadorian government, which authorized a mission to the country to follow up on the events and submit a report to the

Permanent Council on the mission's efforts. In closing remarks, the president of the session remarked on the amount of time it took to respond to the crisis and argued that, although it took a long time to come to an agreement on a resolution, it was necessary for an "institution of this type" to take the time to produce a resolution that "reflects the consensus" of America. He also praised the member state delegations for their work and ended the session.

The mission completed its visit to Ecuador between April 26 and 30, 2005. The report included a summary of the crisis and a discussion regarding the viewpoints of the various civil society and government officials with which the mission members met. As Levitt (2006) notes, the report on the events is as neutral as possible, although the concerns and recommendations at the end of the report incensed the Ecuadorian government, which claimed the OAS report went too far in criticizing Ecuador's government. Of particular note in the report is the mission's summary of the viewpoints on the removal of the judges and the removal of Gutiérrez. The players in Ecuador agreed on the timeline of events, but for nearly all of the events, there was typically a lack of agreement on whether the actions were constitutional or not. According to the mission report: "a broad majority appear to recognize the irregularity" of the removal of the members of the courts. On the other hand, there were "questions about the legitimacy of the call issued to Congress" for the removal of Gutiérrez as well as questions regarding the "interpretation given to the term 'abandoning his post'" (OAS Mission to Ecuador 2005). The one point on which "almost all the people with whom the Mission spoke" deemed irregular was the dismissal of the Supreme Court members by executive decree on April 15.

The report contained a number of recommendations, including the recommendation that there be a process of broad and urgent dialogue, that the authorities should agree on a formula for "guaranteeing appropriate integration of the judiciary...free from the vagaries of party politics

and conflicting vested interests” and a reminder of the “preventive mechanisms built into the Inter-American Democratic Charter to prevent a deterioration of the political system” (OAS Mission Report- Ecuador 2005). Despite the resistance from Ecuador regarding the report’s analysis of the events and its recommendations, the member states passed Resolution 883 in an ordinary session of the Permanent Council in May 2005, which called for the Secretary General to remain involved, “with the consent of Ecuador” in the country and to make available the resources of the OAS in order to assist Ecuador in reinforcing its democracy. In July 2005, the new Secretary-General, José Miguel Insulza, visited Ecuador and offered technical support to assist the judicial reforms process, including the sending to two legal scholars to “observe the recomposition of the Supreme Court” (Levitt 2006, 239).

In the end, the response to the crises of 2004 and 2005 in Ecuador included two resolutions, one including the invocation of Article 18 of the IADC. As part of the invocation of Article 18, the OAS sent a political mission to Ecuador to follow up on the events in the country. The mission released a report, discussing the events and the interpretations of the events by key actors in the country, and finally, the OAS remained involved in the crisis throughout the restructuring of the judicial branch. Compared to the response by the OAS to the crisis in Bolivia just two years before, the response to the crisis in Ecuador was significantly more involved.

#### 5.6 *Severity in Ecuador: An Explanation for the Variation in the Responses to Bolivia 2003 and Ecuador 2004-05*

Although both crises can be considered “near-coup crises,” I argue that the understanding of the Ecuadorian crisis and the potential that the removal of Gutiérrez was an unconstitutional alteration of the democratic order made the Ecuadorian crisis one of greater severity, leading to a more involved and in-depth response by the OAS. With the resignation of Sánchez de Lozada from office and the constitutional succession of Vice President Carlos Mesa to the presidency,



the severity of the crisis in Bolivia was reduced and the influence of time, polarization, uncertainty, and information became greater and limited a response from the Organization of American States.

For the Bolivian crisis, although it was clear that a crisis was occurring, it was not clear as to whether the crisis merited the application of the primary democratic instruments. The Bolivian delegation specifically did not request the invocation of Article 17 of the Inter-American Democratic Charter, and without the consent of the Bolivian government for a visit to the country under the auspices of Article 18, it was not applied. Although the language used by the Bolivian Ambassador, especially at the second meeting, indicated that the crisis was a threat to democracy, there had not been an unconstitutional alteration of the democratic order. In other words, the Permanent Council member states could not invoke Articles 20 or 21 to address the crisis unless the crisis passed from a threat that an alteration *could* happen to one that actually occurred. By the third meeting of the OAS, the immediate crisis was over, Gonzalo Sánchez de Lozada reduced the severity of the crisis by resigning from office and implementing the process of constitutional succession. Due to the lack of clarity on whether Articles 20 and 21 could be invoked and the reduction in severity after the resignation of Goni, the influences of polarization, time, uncertainty, and information were more important.

Although the United States and other member states pushed for the invocation of the IADC, other member states were hesitant to pressure Bolivia to include more than what it had included in its own version of the resolutions. As a result of this difference in opinion on whether to invoke the IADC and the request on the part of Bolivia to wait to invoke the IADC, the response to the Bolivian crisis was one in which the parties satisfied, i.e. accepted the minimally acceptable response to the crisis. In addition, due to the lower levels of severity for the Bolivian

crisis, the Permanent Council accepted the reports presented by the Bolivian foreign minister and the Secretary General. The member states appeared willing to accept the reports from the Bolivian delegation and in line with bounded rationality, did not seek disconfirming or alternate evidence to the information presented to them. Goni's resignation on the 17<sup>th</sup> of October not only reduced the severity of the crisis, but also limited the timing for the OAS to act. It wasn't until a regularly scheduled meeting, five days after Goni's resignation, that the OAS Permanent Council addressed the succession to Mesa.

The impact of timing due to the decision of Goni to resign is a similar situation to Ecuador 2000. With the decision by the Presidents in Bolivia (2003) and Ecuador (2000) to accept the constitutional succession, they effectively close the window for the Organization to respond with greater force. They end, or in many cases, defer, the crisis to another time.

Finally, and perhaps most importantly, the role of uncertainty is key with regards to Bolivia. For many of the key actors in Bolivia, it was obvious that attempting to keep Goni in the office of President would be worse than pushing for a resignation. In a personal interview, former President Carlos Mesa (the Vice President under Goni) stated "The president had the law in his hand, there were people dead from his actions, and it was impossible that he could remain the president without more repressive action" (Mesa 2011). Without the explicit acceptance of the visits authorized by Article 18 of the IADC, the actions of the Permanent Council were limited. However, the concerns that the crisis point could become a greater threat to Bolivian democracy and could become one in which Goni was removed unconstitutionally meant the OAS was still able to pass resolutions per Bolivia's requests. In the case of Bolivia, as with many other cases that come before the OAS, uncertainty was too high to push for measures that would violate the sovereignty of the embattled crisis state. John Maisto, the U.S. ambassador to the

OAS during the Bolivian and Ecuadorian crises stated that: “the caveat is always the same one: The state in question has to be more than agreeable. It has to accept it, want it. Take the lead in asking for it, or if it doesn’t take the lead, at least acquiesce” (Maisto 2014).

In the absence of a clear, present, unconstitutional alteration or interruption of the democratic order, there are too many barriers in invoking the primary democratic instruments without the express consent of the embattled state. The reduction of severity in the crisis in Bolivia after the resignation of President Sánchez de Lozada and the hesitation by the Bolivian government to invoke the IADC led to a greater impact of polarization, time, uncertainty, and information.

On the other hand, the Ecuadorian crisis was more severe, although the reasons underlying the crisis were not clear at first. There were two potential explanations for what had happened April 20<sup>th</sup>: the opposition unconstitutionally removed President Gutiérrez from the executive office, in which case the crisis would constitute an unconstitutional alteration of the democratic order and merit the invocation of Articles 20 and 21 of the Inter-American Democratic Charter. Alternatively, it could be that the opposition constitutionally removed President Gutiérrez due to his undemocratic behavior in violating the separation of powers, which would constitute an instance in which the OAS would support the reinstatement of the democratic order through the removal of Gutiérrez. If the latter was true, the management of the crisis had been handled in a democratic framework. However, if the former were true, a democratically elected president had been removed in an institutional coup and would need to be reinstated. Although the clarity on whether or not the crisis merited the invocation of the primary democratic instruments was low since it wasn’t clear which of the stories was more accurate, the allegations of undemocratic behavior from both sides of the divide in Ecuador and the possibility

of an unconstitutional removal of the president in Ecuador, raised the level of severity to one in which the OAS Permanent Council responded with greater force. Member states of the Permanent Council pressured the Ecuadorian delegation for more information, for access to conduct a mission, and, most importantly, for the invocation of the IADC. Polarization, although at similar levels as the Bolivian (2003) crisis, did not impede the passage of a resolution invoking Article 18 and authorizing a mission to investigate the crisis in Ecuador. The higher levels of severity in the Ecuadorian crisis (regardless of which side was behaving “undemocratically”) led to a greater response from the Organization of American States.

It is additionally important to note that the mission did indeed uncover multiple instances of undemocratic behavior in Ecuador, and as a result, continued to provide missions, technical assistance, and support to Ecuador long after the removal of Gutiérrez. This involvement demonstrated that the higher levels of severity also gave the Organization more time to assist in the rebuilding of Ecuador’s democracy. As Simon Pachano, a prominent scholar located at FLACSO in Ecuador stated in a personal interview, the 2004-05 crisis in Ecuador was a “golpe contra un golpe-a coup against a coup” (Pachano 2014). As a result, the multiple types of severe undemocratic behavior in Ecuador led to a greater ability for the regional IGOs to intervene.

One of the key questions to ask about the Ecuadorian crisis is the relationship of Lucio Gutiérrez and the Organization of American States. Why didn’t he instruct his ambassador to ask for the invocation of the Inter-American Democratic Charter at the regularly scheduled meeting on the 20<sup>th</sup>, hours before his removal? In a personal interview, Gutiérrez stated that the OAS was polarized and as a result, ineffective (Gutiérrez 2014). He claimed that he was not responsible for the dismissal of the judges and that the Congress had dismissed the judges democratically and constitutionally because the judges had overstayed their designated terms. Gutiérrez simply

approved, publically, of the purges by Congress because the courts were politicized and a change was needed. He also blamed the OAS for being favorable to Hugo Chávez and 21<sup>st</sup> Century Socialism. When asked about the response of the OAS to his removal, he referred to Wikileaks articles linking Venezuela, Cuba, and the FARC to the “coup plot”. Due to the beliefs held by Gutiérrez regarding the role of Venezuela and the polarization in the OAS, for Gutiérrez, the OAS was part of the problem, not part of the solution.

### 5.7 Conclusion

The comparison of the near coup crises in Ecuador 2004-2005 and Bolivia 2003 demonstrates a pattern of responses from regional IGOs to democratic crises in Latin America: when a crisis is clearer and more severe, regional IGOs are more likely to respond with declarations, resolutions, and, in some instances, the invocation of the primary democratic instruments. Although the crisis in Ecuador was unclear as to whether a party involved in the crisis had violated the primary democracy clauses of the Organization, the threat to democracy if the violation was either a kind of autogolpe (according to the opposition) or a coup d’etat under an institutional guise (according to Gutiérrez) meant that the threat to democracy was high. As a result of lower levels of clarity and higher levels of severity, the member-states of the Organization pressured the Ecuadorian government for more information and eventually succeeded in invoking Article 18 of the Inter-American Democratic Charter in a Permanent Council Resolution, gaining authorization to conduct a political mission to gather more information. When the mission returned, it was clearer that numerous violations of the democratic order had occurred, mainly by Gutiérrez, and additional resolutions from the Permanent Council authorized further intervention in the domestic political order for the OAS.

However, when severity and clarity were reduced, as in the case of Bolivia, the influence of the intervening variables of time, uncertainty, polarization, and information increased. In the

case of Bolivia, it was not clear that the crises constituted a violation of the primary democracy clauses of the OAS. However, since the crisis was being followed by the Secretary General and the OAS received updates from the Bolivian ambassador, additional information regarding the nature of the crisis was not necessary. Additionally, although there were concerns that the protests constituted threats to democratic stability if they continued, without the authorization from the Bolivian government to invoke Article 18 of the Inter-American Democratic Charter and without a clear alteration of the democratic order, the Permanent Council of the OAS was limited to Resolutions and statements of support from the democratic order. However, due to the concerns that the threat was a danger to the underlying foundation of democracy, the Permanent Council took action by passing resolutions expressing support for the Goni government and intent to invoke the primary democratic instruments if the situation merited.

The case studies in this chapter demonstrated that the theory of high levels of clarity and severity lead to more in-depth responses from the Organization of American States holds for near-coup crises as well. They also demonstrate the influence of uncertainty, time, information, and polarization when clarity or severity are reduced. It is also important to note the influence of the embattled state's government representatives at the OAS and how, when a crisis is not a clear violation of the primary democratic instruments, the Permanent Council is limited in its ability to invoke various parts of the IADC. This has serious implications for the ability of the OAS, and other regional Organizations with similar democracy clauses, to respond to democratic crises when the crisis is caused by the abuse of power by the executive. How has the OAS responded to instances of presidential abuse of power? In what ways do the OAS and other regional Organizations limit the ability of embattled opposition forces from seeking assistance to defend democracy? It is to this question that I now turn.

## 6 Chapter Six: Clubs of Presidents - The Influence of the Executive Branch in Regional Intergovernmental Organizations

### 6.1 *Introduction*

Are regional intergovernmental organizations (IGOs) little more than extensions of the executive branches of their member states? If so, does that help explain the variation in responses from regional IGOs to democratic crises in the region? The argument has often been made that the major regional IGOs in Latin America, such as the Organization of American States (OAS), the Southern Common Market (Mercosur), and the Union of South American Nations (UNASUR), are “clubs of presidents” that tend to privilege the executive branch over the other branches of government and opposition forces in the member states.<sup>31</sup> However, there has been little scholarly research demonstrating empirical evidence of this assertion for Latin America. In this chapter, I demonstrate support for the argument that regional IGOs can be considered “clubs of presidents” in which regional IGOs are more likely to respond to threats to presidents than to punish undemocratic behavior by presidents.

This argument has serious implications for our understanding of the role of the major regional IGOs in promoting and defending democracy. If regional IGOs, where the norms regarding the defense of democracy have been institutionalized the deepest, are dominated by the executive branch of the member states, then the organizations are not likely to be protecting “democracy,” but rather are likely to be protecting the interests and preferences of the executives in each country. The only caveat to this argument is the punishment of the most severe and clear instances of undemocratic behavior by an executive (“autogolpes” or “self-coups”). However, even in those cases we still see the power of the executive in a crisis country managing to exert

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<sup>31</sup> See for example: Leonardo Vivas (2011): “Honduras: Back to the Future,”; The Washington Post 2009 “OAS Secretary General Jose Miguel Insulza Has Made The Honduran Crisis Worse,”; and MercoPress.com 2012 “UNASUR Ratifies Sanctions-Paraguay President More Concerned with OAS Position.”

his influence to reduce the power of the regional response from the IGOs. In the absence of more severe undemocratic behavior by an executive, regional IGOs are less likely to take action against the behavior, leading to situations where an executive is able to slowly and steadily erode the quality of democracy over time. Even in less severe cases (i.e., not autogolpes) when undemocratic behavior by the executive is mentioned in a meeting at a regional IGO, the norm of consensus decision-making, non-intervention, and levels of polarization within the organizations are likely to hamper a strong or in-depth response to the violation. However, even in cases that could questionably be considered threats to the executive, the regional organizations often hold meetings at the request of the executive and pass resolutions defending the president.

In order to demonstrate the argument, I look at a variety of different crises, broadly held under two categories. The first category, “Presidential Overreach,” consists of cases in which the executive behaves undemocratically and includes electoral fraud, violations of the separation of powers, conflicts over constituent assemblies, and autogolpes. The second category, “Threats to the Executive,” consists of coups d’etat (both attempted and successful), mass protests against the executive with demands for the president to resign, and questionable impeachment proceedings. In the following section, I summarize the theoretical argument for the Club of President’s hypothesis, demonstrating the link between the regional IGOs and the executives and how that affects the variation in responses from regional IGOs to threats to democracy in the region. I then turn to a series of cases from the two categories, demonstrating both the nature of the crisis as well as the response from regional IGOs to the crises. I choose cases of overreach by executives on both the left and the right of the ideological spectrum. I then turn to an analysis of the variation in responses, drawing on interviews conducted with prominent ambassadors,



analysts, and political leaders to demonstrate the strength of my argument. Finally, I conclude with a brief summary of the chapter and a few thoughts about the future of the OAS.

## 6.2 *Clubs of Presidents: A Theoretical Framework*

Theoretically, why would it be the case that these regional intergovernmental organizations can be characterized as clubs of presidents? There are a variety of reasons for the relationship between the regional IGOs and the executive branches, including the way member states are represented at the various IGOs, the role of the Secretary General in each organization, the procedural rules in each organization, and finally, the understanding of the applicability of the various defense-of-democracy documents in the organizations. I will discuss each of these factors in turn, starting with an overview of the OAS.

In the majority of states in the inter-American system, the ambassadors to the OAS are nominated or appointed by the executive and fall under the direction of the Executive branch. The Ambassadors of the member states represent their governments at various meetings held in the Organization, including in the Permanent Council meetings. At the General Assembly, the Foreign Ministers of the countries represent the member states. However, the ambassadors and foreign ministers are generally not considered representatives of civil society or the opposition parties in their countries, but rather are considered to be representatives of the presidents, receiving their direction from the executive branch. As a result, the ambassadors to the OAS tend to represent the executive and his or her policy preferences, not the policy preferences or concerns of other branches of government.

The Secretary General (SG) of the OAS is elected by the member states (represented through their Foreign Ministers or other appointed officials) in special sessions of the General Assembly, where each member state has a seat and a vote. The Charter of the OAS gives the Secretary General a small degree of autonomy, although the use of that autonomy has varied

with the leadership style of each Secretary General. According to the OAS Charter, the SG can “bring to the attention of the General Assembly or the Permanent Council any matter which in his opinion might threaten the peace and security of the Hemisphere or the development of the member states” and can “participate with voice but without vote in all meetings of the Organization” (Charter of the Organization of American States, Article 110). Although the SG can speak out about issues regarding democracy in member states, the movement towards further action (such as the passage of a resolution or the undertaking of a mission) is limited to acceptance of the actions by the member states in their capacity as sovereign entities in an IGO. In other words, the SG can speak out against what he perceives as undemocratic behavior by an actor in society, but he cannot unilaterally require the member state to address his concerns nor can he unilaterally punish a member state for undemocratic behavior.

Although civil society groups have access to parts of the OAS, they do not have the same rights or role as member states. They do not have the power of a vote and are only allowed to attend committee meetings with the authorization of the Secretariat, although they are authorized to submit reports on areas of expertise if an item that falls under that expertise is already on the agenda. Civil society organizations are also able to give presentations at Permanent Council meetings, but only with the authorization of the appropriate committee in advance. Finally, civil society organizations are not allowed to “participate in deliberations, negotiations, or decisions adopted by member states” (“OAS CP/Res.759 (1217/99)” 1999). In some cases, civil society organizations are present for meetings discussing concerns over democracy or democratic crises in a member country, but again, they have no ability to require a member state to accept mediation or good offices, nor do they have the ability to invoke the primary democratic instruments. In other words, although there is some room for civil society organizations to have a

voice in the Organization, their access is limited by the member states and the Secretariat. The only members that have the right to both voice and vote are the member states themselves, as represented by the ambassadors appointed by the executives of each member state.

The structure of UNASUR and Mercosur are slightly different than the OAS and the leadership structures of these two organizations provide even greater theoretical backing to the “club of presidents” argument. The heads of state directly play a much larger role in both UNASUR and Mercosur than in the OAS. For example, the Secretary-General of UNASUR is elected to a two-year term on a consensual basis by the heads of state of each member state (as opposed to the election by secret vote of the SG by the proxies of the executive at the OAS). The President Pro-Tempore of UNASUR is designated on a rotating basis among the heads of state of the member states. The President Pro-Tempore presides over meetings and represents the organization at international events. The Presidents of the member states within UNASUR also meet at regularly scheduled meetings once a year, compared to the Summits of the Americas of the OAS, which have been held every three years since 1994. The Presidents of UNASUR can also meet in extraordinary meetings, whereas the extraordinary meetings of the Permanent Council of the OAS are at the ambassador-level and the meetings of the General Assembly of the OAS are at the foreign minister level. The comparison of the representation at meetings of UNASUR and the OAS demonstrate a strong bias towards the executive in both organizations, but an even greater bias towards the executives in UNASUR.

The Council of Heads of State is the most senior committee in UNASUR’s structure, and, as its name indicates, is composed of the Heads of State (Flannery 2012). The other committees in UNASUR are the Council of Foreign Ministers and the Council of Delegates. These committees are responsible for implementing the decisions of the Council of Heads of States.

Based on the structure of UNASUR, it is clear that the heads of state are the most influential actors in the Organization. As a result, UNASUR is likely to represent the preferences of the executives in the Organization since they are the ones that have the ability to vote and are the main players at the key institutions within UNASUR.

In the same vein as UNASUR, the make-up of Mercosur prioritizes the executive branch in decision-making roles. Mercosur was created in 1990 after the signing of the Treaty of Asunción and is primarily an economic union between the countries of Paraguay, Uruguay, Brazil, Argentina and Venezuela, although numerous states are associate members (Bolivia, Chile, Ecuador, Colombia, and Peru). In 1998 a democracy clause for the union was created with the signing of the Ushuaia Protocol on Democratic Commitment<sup>32</sup>. The Protocol allows the organization to suspend a member state from the Union for a “rupture in the democratic order” in one of the states (Article 3). As with UNASUR and the OAS, foreign ministers and the heads of state of each member state are the key decision-makers in Mercosur. For example, the most important institution of Mercosur, The Council of the Common Market (known simply as “The Council”), is composed of the Foreign Relations and Economic Ministers of the member states and is the council responsible for the political leadership of integration, for making decisions to ensure compliance with the Treaty of Asunción, and for the supervision of other Mercosur institutions, with the ability to modify or eliminate them (Porrata-Doria 2005, 28). Although Mercosur does have a Joint Parliamentary Commission and plans to evolve it into a Mercosur Parliament, as of 2015 the body is limited to an advisory function (Porrata-Doria 2005, 31). As with the OAS and UNASUR, the decision-making bodies in Mercosur are dominated by the representatives of the executive branch of each member state.

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<sup>32</sup> The Protocol of Ushuaia on Democratic Commitment in Mercosur is also commonly known as the “Protocol of Ushuaia.” I will refer to it from this point in its shortened form.

Based on the structure of the decision-making bodies, it is clear that executives are over-represented compared to the other institutions of government. With an over-representation of the viewpoints and preferences of the executives of each state, the regional intergovernmental organizations are more likely to act based on the preferences of the executives. This structure incentivizes the executives of each member state to focus on threats to executives and to minimize instances of executive abuse. As a result, the norm is one where presidents are protected from threats but refrain from criticizing or punishing each other for undemocratic behavior, lest they later be criticized or punished themselves. Said another way, presidents are likely to support each other in protecting their positions in power: holding extraordinary (unscheduled) Permanent Council meetings, invoking the democratic defense mechanisms, or issuing official declarations of support from the Permanent Council when a president is threatened. However, they will also either ignore acts of presidential overreach to reduce the impact of the regional IGOs in addressing presidential overreach.

With regards to procedural rules, there are a number of reasons regional organizations prioritize not only sovereignty, but also the role of the executive branch in each country. Unless there is an alteration or interruption of the democratic or constitutional order, regional organizations are limited in the interventions they can take. The definitions of these terms are vague and ambiguous, a concern noted by McCoy (2001), Cooper (2004), and Cameron (2012). At the OAS, for example, in the absence of an alteration or interruption of the democratic order, the member state must give its consent to the visits or other actions authorized by Article 18 of the Inter-American Democratic Charter (IADC) to address a democratic crisis. Even if a member state requests the invocation of the IADC, any further involvement in the country by the regional IGO is continually subject to the receptiveness of the member state. This is important not only

because it allows member states to actively limit the role of intergovernmental organizations, but it is also built on the idea that the member state (as represented by an ambassador accountable to the executive branch) can limit the use of the primary democratic instruments in cases that are not clearly coups d'état or autogolpes. Without the authorization of the member state, regional IGOs are limited to responding to the most egregious instances of democratic crisis and are unable to address the lower level attacks on the democratic order which reduce the quality of democracy over time.

It is also important to note the role of voting on measures in the Permanent Council and General Assembly of the OAS and how that can reduce the ability of the regional organizations to respond to democratic crises. In order to make decisions in the Permanent Council and General Assembly, either an absolute majority or a 2/3 vote, depending on the issue, is required of the member states, although there is an informal norm that votes should be consensus (OAS Charter, Articles 59 and 89). Naturally, if a member state is being accused of undemocratic behavior, the ambassador of the member state is not likely to vote for the condemnation of his or her own president or government. It requires the political will of the other member states to override the preferences of the member state in question, which during cases of presidential abuse is less likely to occur as compared to cases of threats to an incumbent executive. In Mercosur and UNASUR, actions require a consensus vote, making action even less likely in the case of presidential overreach.

Finally, the development of the mechanisms for the defense of democracy paradigm demonstrates a trend towards sovereignty and the types of events that are considered crises. The OAS has the longest history of a defense of democracy paradigm, so I primarily address that history, although I will also note the key democracy documents of UNASUR and Mercosur and

the ways in which the documents demonstrate a preference towards the role of the executives in responding to democratic crises.

The promotion of democracy in the region accelerated following the end of the Cold War, when security concerns regarding communism and the influence of the Soviet Union declined dramatically. In the early 1990s, in addition to the creation of the Unit for the Promotion of Democracy (UPD), now known as the Democracy Program Unit, the OAS General Assembly passed Resolution 1080, which created a mechanism to respond to “sudden or irregular interruptions of the democratic political institutional process.” The mechanism was (theoretically) meant to be immediate, and the Secretary General would convene the Permanent Council, which would examine the situation and recommend a meeting of the Ministers of Foreign Affairs or the General Assembly, if warranted, within ten days of the crisis (OAS AG/Res. 1080; Boniface 2007). Although Resolution 1080 articulated the mechanisms for a response in the event of an interruption of the democratic institutional process, the consequences for a member state in the event of a crisis were not articulated clearly in Resolution 1080. In 1992, the Washington Protocol was added to the OAS instruments, which established the potential consequences for a crisis in which a “democratically constituted government has been overthrown by force.” If a crisis occurs in which there is an overthrow of the government by force, the response *may* entail suspension from the OAS “*with a two-thirds vote in the General Assembly*” (Boniface 2007, his emphasis). In other words, even if a crisis occurs that falls under the bounds of Resolution 1080 and the Washington Protocol, a suspension is not necessarily an immediate or foregone conclusion.

The same is true for the Inter-American Democratic Charter (IADC) of the OAS. In 2001, the IADC was signed by the member states of the OAS, which “superseded and potentially

widened the scope” of Resolution 1080 (Boniface 2007: 45). The IADC authorizes any member state or the Secretary General to convene the Permanent Council to undertake a “collective assessment and appropriate diplomatic initiatives” in the case of an “unconstitutional interruption of the democratic order or an unconstitutional alteration of the constitutional regime that seriously impairs the democratic order in a member state” (Articles 19 and 20). Unless there is an unconstitutional interruption of the democratic order or an unconstitutional alteration of the constitutional regime, the member state of the crisis country must request the invocation (Article 18).

For Mercosur and UNASUR, the most important documents with regards to democracy are the Protocol of Ushuaia (1998) and the Democracy Clause of the Constitutive Treaty of UNASUR (2010), respectively. Both clauses allow for the activation of the defense-of-democracy mechanisms in the event of a “rupture” in the democratic process in their states. UNASUR’s democracy clause states that the mechanism will be activated in the event of a “rupture or threat of a rupture to the democratic order, a violation of the constitutional order, or to any situation which presents a risk to the legitimate exercise of power and the validity of democratic values and principles” (Article 1). The Protocol of Ushuaia states that “a rupture of the democratic order” allows for the member states to convene and initiate diplomatic mechanisms to address the rupture. If diplomatic initiatives fail, the member states can then suspend the crisis state with a consensus vote (Articles 4 and 5). The creation of and application of new mechanisms with which to support democracy demonstrate a regional trend towards the development of a defense-of-democracy regime, although there are still important caveats regarding the application of the defense-of-democracy instruments.



For example, a key concern with the democracy clauses and agreements of the regional IGOs has been the use of a variety of terms to define the conditions under which the primary democratic instruments could be invoked. Terms such as “unconstitutional interruption,” “alteration,” and “rupture” do not clearly define the instances in which the democracy clauses can be activated. As a result, it is not explicitly clear which cases fall under the definition of “alteration” or “rupture.” Therefore, the ability of the regional IGOs to respond to crises depends on the understanding of the meaning of the wording of the democracy clauses. As Boniface (2007) notes in his analysis of OAS responses from 1990-2007, the general consensus in the literature and in practice has been that military coups that unseat elected presidents are instances of democratic crises that clearly fit into the definition of “sudden or irregular interruption,” along with “self-coups (autogolpes) by elected presidents that nullify legislative and judicial checks and balances, and civil-military crises in which there is a credible threat of a military coup” (46). However, failed coup attempts, electoral failures, and constitutional crises do not appear to fit the criteria determined by the democracy clauses (Boniface 2007: 47). In other words, with the exception of autogolpes, the clauses and agreements that make up the defense of democracy paradigm in Latin America are limited to crises in which presidents are threatened, and less severe crises in which presidents overreach their authority but where their actions do not amount to autogolpes do not fall under the jurisdiction of the democracy clauses, despite the reality that many of the actions serve to reduce the quality of democracy over time. The lack of agreement and understanding on what constitutes a violation of the democracy clauses provides an additional theoretical basis for the hypothesis that the regional organizations in Latin America can be described as “clubs of presidents.”

The role of the OAS in responding to autogolpes deserves a brief special mention, as autogolpes represent a type of crisis in which the OAS has responded relatively forcefully, in spite of the idea of the OAS as a “club of presidents.” In the two instances of autogolpes in the early 1990s, Peru 1992 (President Alberto Fujimori) and Guatemala 1993 (President Jorge Serrano), the OAS SG convened a meeting of the Permanent Council, where the member states rejecting the undemocratic actions in each member state, invoked Resolution 1080, authorized missions, and worked with the governments of the crisis states to find a resolution to the crisis. Although the final outcome of each crisis varied- in Peru, Fujimori was able to use the strong public support for his autogolpe and convinced the OAS to accept a proposal where the people would vote for a congress to work on a new constitution, whereas in Guatemala the autogolpe was unpopular move and Serrano was forced to resign- the OAS did respond to the crises in ways that demonstrated the rejection of this form of presidential abuse of power.

When considering the way member states are represented at the various regional organizations (a focus on the executive branch), the procedural rules for invoking the primary democratic instruments (consensus decision-making), and the language of the democracy clauses (lack of clear understanding of what constitutes a violation and a focus on only the most severe types of violations), it is clear there is a link that preferences the role of presidents in the use of the primary democratic instruments for responding to democratic crises. As a result, the organizations tend to preference the desires and expectations of the executive branches of each member state and minimize undemocratic behavior by executives. My hypothesis for this relationship can thus be stated as:

*Hypothesis 3: When a crisis presents a threat to the president, regional intergovernmental organizations are more likely to respond with a greater range of actions than when the crisis is the result of presidential overreach.*

As stated above, the crises have been categorized into two broad categories, presidential overreach and threats to the executive. The dependent variable “Responses from Regional Intergovernmental Organizations (IGOs)” includes Permanent Council meetings (OAS) or meetings of the heads of state or foreign ministers (UNASUR/Mercosur), resolutions or official statements from the decision-making bodies of the IGOs, political missions (fact-finding, mediation, or good offices) and finally, sanctions or threat of sanctions. In the next section, I demonstrate the theoretical basis underlying “the Club of Presidents” argument is supported by an analysis of a series of case studies of democratic crisis in Latin America.

### *6.3 Cases of Presidential Overreach*

#### *6.3.1 Nicaragua 2008- Electoral Fraud at the Municipal Level*

The Nicaraguan municipal elections in 2008 present a poignant case study for demonstrating the power of executives to limit actions from regional intergovernmental organizations in the Americas. Although the United States delegation and Secretary General Jose Miguel Insulza of the OAS tried to address the issue of possible electoral fraud in Nicaragua within the Organization, the Nicaraguan government and President Daniel Ortega’s ambassador at the OAS were able to stymie any in-depth action from the OAS. As a result, the case of Nicaragua demonstrates a key example in which, even when an executive is accused of undemocratic behavior and the evidence provides a strong backing for the accusation, the mechanisms and procedures of the OAS limit the ability of the Organization to respond effectively to presidential overreach. Before demonstrating the limitations of the OAS in

responding to electoral fraud in Nicaragua, it is important to understand the background of the crisis.

In 2008, the Supreme Electoral Council (CSE) of Nicaragua barred international election observers from observing municipal elections in the country, despite the fact that independent international election observers had been able to monitor every election in the country since 1990. 146 mayorship positions were at stake in the elections on November 9<sup>th</sup>, including the mayorship of Managua, the country's capital and one of the most important local offices in the country. Although international election observers were barred from observing the vote, national observer groups (such as *Etica y Transparencia* (Ethics and Transparency) and *Instituto para el Desarrollo y la Democracia* (IPADE-Institute for Development and Democracy)) posted observers outside of polling centers and compiled evidence that President Daniel Ortega and his party, the Sandinista National Liberation Front (whose members are known as Sandinistas), manipulated the election. The manipulation led to a "victory" for Sandinista candidates in 105 of 146 municipalities, a huge win for Daniel Ortega and his Sandinista party, despite his slumping popularity ratings.<sup>33</sup>

Despite the alleged victory, reports of vote tampering and other fraudulent electoral behavior were widespread. According to a report written for the Inter-American Dialogue by Nicaraguan journalist Carlos F. Chamorro (2009), the Supreme Electoral Council (CSE) "never reported the official voting records from a total of 660 polling places, equal to 120,000 votes or 30% of all votes in Managua." Since the Sandinista candidate for mayor in Managua, former world boxing champion Alexis Arguello, narrowly defeated Eduardo Montealegre for the mayorship with only 51% of the vote, the uncounted votes in Managua could have potentially

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<sup>33</sup> Leading up to the Municipal elections, polling firms showed Daniel Ortega's popularity rating hovering near 25% (Chamorro 2009, 3).

tipped the scales in favor of Montealegre. Other allegations included the dumping and destruction of marked ballots, the refusal of access for opposition party members to some of the vote counts, and an alteration in tallies at many of the polling offices (LA Times 2008). In addition, prior to the election the CSE had ruled that two opposition parties failed to file their paperwork properly and therefore were ineligible to run for office (The Economist 2008). Most observers of Nicaraguan politics agreed that the outcome of the 2008 election was potentially fraudulent and that claims of electoral irregularities should be addressed. As a result, calls for an investigation into the claims of fraud were numerous, coming from both intergovernmental organizations as well as non-governmental organizations<sup>34</sup>. For example, the Atlanta-based Carter Center issued a statement calling for “all actors, leaders, and civil and state authorities to seek an expeditious, legitimate, and mutually respectful solution to the claims of electoral irregularities and doubts” (The Carter Center 2008).

In the weeks following the elections, protests and violence from both opposition and government supporters filled the streets, prompting the CSE to announce a recount of the votes, although again international observers were to be barred from observing the recount. SG Insulza issued a press statement a few days after the elections expressing concern over the allegations of fraud, noting that “one of the advantages of electoral observation missions is that they help dispel any doubts whenever election results are close” (Organization of American States E434/08 2008). He called for the dispute to be resolved peacefully and argued that the principles “enshrined in the Inter-American Democratic Charter” should be respected and followed. In press statements from the State Department from before and after the date of the elections, the United States also expressed concerns about the quality of the elections. One press statement,

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<sup>34</sup> This list is not exhaustive, but the list of the groups calling for a recount of the elections included: Freedom House, Washington Office on Latin America, the Catholic Church, The Carter Center, and the Secretary General of The Organization of American States.

issued on the day of the elections, noted concerns about “reports by domestic election observation groups and opposition parties of widespread irregularities at voting stations” and reminded Nicaragua of Article 23 of the Inter-American Democratic Charter, which “holds member states responsible for ‘ensuring free and fair elections’” (“U.S. State Department Press Release 2008/942” 2008).

In response to the statements by the United States and the Secretary General, the Nicaraguan delegation requested that they be given time to speak at the next session of the Permanent Council to present a report regarding the “Act of Interference (Injerencia) of Certain International Organisms, of the Department of State of the United States and of the Secretary General of the Organization of American States.” On November 20, 2008, eleven days after the elections, the Permanent Council held a meeting for the Nicaraguan delegation to present its report against the United States and Secretary General and to hear a response from the accused parties.

In the Permanent Council meeting, the Nicaraguan delegation attacked the comments regarding the elections from the United States and the Secretary General of the OAS, claiming that the United States had been on a campaign since 2006 to destabilize the government of Nicaragua under Daniel Ortega (“OAS Meeting Minutes CP/ACTA 1671/08” 2008, 6). The Nicaraguan delegate went on to describe the statements by the United States and the Secretary General as a campaign to “destabilize and collapse the institutions of the State, and, in particular, [to ensure] the overthrow of the Government of Reconciliation and National Unity of Daniel Ortega (9). The ambassador also defended the elections in Nicaragua, arguing that Nicaragua is a “free, independent, and sovereign state” (9). With regards to the statements by the SG on the validity of the elections, the Nicaraguan ambassador stated that the SG had “overreached in his

functions” and that it was inconsistent with the OAS Charter, which does not give any authority to the SG to intervene in “issues of internal jurisdiction in member states” (11). In closing, the Nicaraguan representative presented a request for a resolution that called for the United States to cease in its violation of the sovereignty of Nicaragua, reminded the North American governments to not use economic pressure and to refrain from resorting to the threat of the use of force against the Nicaraguan government and state, and finally, that the member states of the Organization of American States would reaffirm the respect for sovereignty for the Nicaraguan state, its institutions, the democratic participation of its citizens, and its desire for peace (11).

After the Nicaraguan ambassador spoke, the floor was given to the Ambassador of the United States to respond. The United States ambassador stated that the member states had been convened to “talk about a constructive way forward to support democratic governance in Nicaragua” (12). He noted the specific articles in the IADC that address the role of elections, such as Article 23 (“member states are responsible for organizing, conducting, and ensuring free and fair electoral processes”) and Article 3 (“essential elements of representative democracy include...access to and the free exercise of power in accordance with the rule of law, the holding of period free and fair elections...” (12). He then mentioned the fact that the 2008 municipal elections were the first since 1990 where the Nicaraguan government refused to allow international election observers and that fact, combined with reports of “widespread irregularities” and violence in the country, indicated a need for concern regarding the democratic process in Nicaragua. The U.S. ambassador proposed a “full and transparent audit of the results of the municipal elections” so democracy could be further strengthened “in coordination with the Democratic Charter” (13). He also emphatically rejected the resolution proposed by Nicaragua, stating, “we do not and will not support that draft resolution for many reasons” (14). He closed

by saying the United States had an alternative draft resolution to support democratic governance in Nicaragua and that the response to the electoral situation in Nicaragua was not interference but rather, “demonstratively the opposite” (14).

After the two delegations spoke, numerous member states took the opportunity to comment on the reports from Nicaragua and the United States. The ambassador from Panama emphatically defended the role of the OAS, and in particular the SG, in defending democracy. The Panamanian ambassador stated that, without reference to specific cases, he believed the SG “can and should express opinions, make suggestions, comments, and considerations aimed at the preservation and strengthening of the political and legal institutions of the OAS, along with the Charter and the IADC” (16). Panama then stated they could not support the draft resolution proposed by Nicaragua.

The Venezuelan ambassador spoke next. He first recounted a history of intervention by other member states (notably the United States) and a lack of response from the OAS in the face of dictatorships and the removals of democratically elected presidents in the past (such as Salvador Allende of Chile and Jacobo Arbenz of Guatemala). He also stated that in some cases there are “undemocratic opposition groups, coup-plotters (golpistas), who will never accept the new tendencies in the continent” (19). With a clear preference towards sovereignty and the Nicaraguan delegation’s account of events, the Venezuela delegate ended his comments noting that the OAS and the member state delegations should not “fall into the temptation to become judges of those whom we cannot, and should not, have the right to judge” (20).

Honduras spoke after Venezuela, offering a middle-of-the-road approach to the two viewpoints of the United States and Nicaragua. On the one hand, the Honduran ambassador stated that he would not comment on either of the resolutions. First, because the one proposed by



United States was distributed only in English and that “speaks of the paternity [que eso habla de la paternidad],” a reference to the historical hegemonic role of the United States. Second, he stated that he did not believe the Nicaraguan resolution contributed to Nicaraguan democracy and only served to deepen the differences in the Organization, therefore Honduras would not support that resolution either (20). In an important expression of support for the SG, the Honduran ambassador also stated that Honduras had “confidence in the Secretary General of the Organization and would not go against him in any form, in any way” (21).

Canada acknowledged the civil society organizations from Nicaragua that had presented written reports to the delegates of the Permanent Council and noted concerns regarding the violence, the irregularities in voting procedures, and the lack of independent observers to the elections. The Canadian ambassador did not endorse either resolution, but did state in closing that Canada “expresses its support for a constructive role by the OAS and its Secretary General...in line with the Inter-American Democratic Charter, to which we have all signed on” (22).

The Mexican delegation was more supportive of Nicaragua’s position, cautioning the member states to not move too quickly, especially since the Nicaraguan institutions had not had sufficient time to address the situation. Although the Mexican delegation supported the ability of the SG to address concerns he may have, stating that they agreed with the general objective of the press releases from the SG, they also argued it would have been preferable for the SG to speak directly with the member states instead of making a public announcement (21). Guatemala spoke on behalf of the Organization and its efforts in observing elections, noting its own history of working with the Organization for electoral observation. The Guatemalan ambassador expressed his support for the SG and argued that the member states should not be able to qualify

their own elections, as “the promotion and consolidation of representative democracy” are essential parts of the various resolutions and agreements passed by the member states (23).

Colombia agreed with the vision of Guatemala, Canada, and the United States, arguing that the OAS would become a useless organization if the SG were unable to speak out against matters of importance to the OAS, including the development of democracy. This vision of the role of the SG was shared by many other member states, including Argentina, Costa Rica, Peru, Paraguay, Chile, Uruguay, the Dominican Republic, Guyana, and El Salvador.

Although the view that the Secretary General had the right to comment on concerns relating to democracy was held by a large group of member states, for many of those states the principles of sovereignty and non-intervention were also highly important. For example, Peru’s delegation spoke of the “essential objectives of the Organization, which includes the promotion and consolidation of representative democracy within respect to the principle of non-intervention” (27). Brazil similarly agreed that democratic defense was an important principle but that it must be balanced with sovereignty and equanimity. Ecuador also reaffirmed the preference of some of the member states for sovereignty over democratic defense. The Ecuadorian ambassador stated that the member states needed to respect the norms of sovereignty and of non-intervention in member states, noting that each member state should have “the right to choose, without external interference, its political, economic, and social system” (31).

Noting the divisions in opinion among the various member states who had spoken, the representative of Guyana made a point that is decidedly key for the discussion on the role of procedural norms in the OAS: that it was obvious that neither of the two draft resolutions would be passed by the Permanent Council, because “it should be obvious that draft resolutions that are presented that call on any country, in effect, to censure itself, are not going to prosper and not

going to go forward” (35). The representative of Guyana made an additional point to support the SG and cautioned against attacking him in a way that might “erode his authority, diminish his standing, or impugn his character” (35).

The SG was then invited to speak by the President of the Permanent Council. The SG defended his record of promoting democracy and argued that a major part of his career had been focused on the defense of democracy. As a result, he would continue to speak about the issues facing the member states in the region. After his remarks, the Nicaraguan ambassador spoke briefly, simply stating they would not be supporting the resolution proposed by the United States and they would be continuing the conversation with those who wished to speak to them. Since it was clear to the member states that neither draft resolution had unanimous support from the member states, the meeting was adjourned. No resolutions were passed and no further action was authorized for the Organization of American States to take any additional steps to address the allegations of electoral fraud in Nicaragua.

The United States and the European Union responded to the electoral fraud unilaterally by imposing economic sanctions on the Nicaraguan government. In spite of these sanctions, according to the U.S. State Department’s report on human rights the CSE had still not conducted a recount by the end of 2008. Despite the ability of the United States to impose unilateral sanctions on Nicaragua, the Nicaraguan government was able to avoid any further sanctions from the OAS due to the internal mechanisms of the OAS, the limitations on passing resolutions that criticize member states, and the divisions within the OAS regarding the balance of sovereignty and democratic defense. The example of the limited OAS response to electoral fraud in Nicaragua demonstrates a case in which executive overreach is able to go unpunished, even when the incident is discussed at the Organization. This trend towards protection of executives

during instances of overreach can also be demonstrated by looking at a case of a violation of freedom of expression in Venezuela.

### 6.3.2 *Venezuela 2007- Chávez Government Refuses to Renew License of Opposition Media Channel*

In May of 2007, one of the major opposition media enterprises in Venezuela, RCTV (Radio Caracas Television) was forced to shut down after the government of President Hugo Chávez refused to renew its broadcasting license. As part of the closure, RCTV was required to cease its broadcasting operations and hand over control of its production equipment and the “roughly 60 transmitters it controlled nationwide” to the state-run TV channel that was replacing it (Corrales 2009, 70; Taipei Times 2007). The closure of RCTV left Venezuela with only three private television stations: Venevisión, Televisión, and Globovisión. Globovisión did not have national coverage and Venevisión “carried little political coverage,” meaning the closure of RCTV dramatically reduced coverage of opposition viewpoints (Corrales 2009, 72).

The closure of RCTV was predicated on the idea that the channel had supported the short-lived coup against Hugo Chávez in 2002 and had also supported the general strike against Chávez in 2003, although there had not been a judicial process regarding the station’s support for the coup and strike (BBC News 2006). President Chávez had repeatedly threatened to close RCTV before 2007, claiming the channel was a “coupist TV channel” and that it would not be a violation of the freedom of expression to close down the channel due to its behavior “against the people, against the nation, against national independence, against the dignity of the republic” (BBC News 2006). However, the government did not officially rescind broadcast rights for RCTV until May 2007, when RCTV’s broadcast license expired.

Despite the assertion by Chávez that the closure of RCTV would not be against the freedom of expression, major international non-governmental organizations (NGOs) disagreed

with that assessment. Reporters Without Borders issued a report in 2008 condemning the shut down of RCTV and alleged that part of the reason behind the closure of RCTV was not revenge for the broadcasting decisions of RCTV during the 2002 coup, but rather a “move by Chávez to take over the country’s media.” The Americas director at Human Rights Watch (HRW) issued a statement that the “shutdown of RCTV is a serious blow to freedom of expression in Venezuela” (Human Rights Watch 2007). The Carter Center also issued a statement acknowledging the role the public and private mass media had played in “reflecting and contributing” to political polarization in the country, but spoke out against the decision to reject the broadcast rights for RCTV without going “through the justice system before a decision is made” (The Carter Center 2007).

The United States responded both unilaterally and multilaterally to the closure of RCTV. The State Department issued a press release expressing concern regarding the limitations of freedom of expression in Venezuela and the U.S. Senate approved Senate resolution 211 (S.Res 211), by unanimous consent, which expressed “profound concerns regarding freedom of expression in Venezuela and the government’s decision not to renew the license of RCTV” (Menendez and Rubio 2014). In a regularly scheduled meeting of the Permanent Council of the OAS, the United States delegation referenced the Senate resolution in its remarks and asked that the resolution be placed in the records of the OAS (Organization of American States 2007). The Venezuelan delegation responded to the U.S. delegation by saying that the matter was an internal one for Venezuela and that Venezuela would not accept the violation of its sovereignty (66). There was no further discussion in the Permanent Council regarding the closure of RCTV beyond that brief exchange. However, other countries spoke out independently against the

decision to not renew the license of RCTV, including Chile, Brazil, Canada, Guatemala, Peru, El Salvador, and the European Union (CRS Report for Congress 11 January 2008).

The SG of the OAS also issued a statement expressing concern about the decision to not renew the broadcasting license of RCTV and expressed hope that the action would be reversed (Organization of American States Press Release E-001/07). The Special Rapporteur for Freedom of Expression of the Inter-American Commission of Human Rights (IACHR) also issued a press release expressing concern regarding the situation and argued that the major concern is the possible deprivation of “possible access to a medium with editorial views critical of the government” (PREN-161-E). However, despite these public expressions of concern from OAS officials, little more could be done to respond to the crisis without the explicit invitation from the government of Venezuela. For example, at the OAS General Assembly meeting in early June, the United States delegation, citing Articles 4 and 18 of the IADC, urged the SG to “visit Venezuela to consult, in good faith, with all interested parties, or consider other actions to address the situation, and to make a full report to the foreign ministers through the Permanent Council at the earliest opportunity” (OAS Press Release E0171/07; General Assembly Minutes OEA/Ser.P/XXXVII-O.2). In response to this request, the SG noted that the application of Article 18 requires the “consent of the government concerned” and, after consulting with Venezuela, the SG told the US that the OAS “could not meet such a request” (Organization of American States Press Release E0171/07). The Venezuelan government responded to the OAS request at the General Assembly meeting by suggesting the United States be investigated for numerous human rights violations, including violations at Guantanamo, and later told the OAS SG that it deemed the request to invoke Article 18 and visit Venezuela as “totally unacceptable” (Organization of American States General Assembly Meeting Minutes OEA/Ser.P/XXXVII-O.2;

E-171/07). A resolution was passed at the General Assembly meeting reaffirming the “Right to Freedom of Thought and Expression and the Importance of the Media” but the resolution did not specifically mention the Venezuelan government or the situation with RCTV (OAS General Assembly Resolution AG/doc.462/07). After the remarks from the SG regarding the inapplicability of Article 18 of the IADC, there were few alternatives for the member states or the SG to take.

Although the OAS was limited in its ability to respond, the Inter-American Commission on Human Rights (IACHR) did receive a request from the shareholders, journalists, and executives of RCTV to look into the violations of their human rights in the closure of RCTV (IACHR Report No. 114/11). The IACHR is an autonomous institution of the OAS and has the power to hear complaints from citizens against their governments. However, the ability of the IACHR to punish states is limited in comparison to the OAS Permanent Council and General Assembly. The IACHR did accept the request, conducted an investigation into the situation and filed a case against Venezuela at the Inter-American Court of Human Rights. However, the process took many years: the IACHR did not rule on admissibility until 2011 and did not file a case at the Inter-American Court of Human Rights until 2013. In other words, the institutions that have the ability to respond without the direct authorization of a member state were unable to do so in a timely manner to address the crisis. Between 2007 and 2013, the government of Hugo Chávez continued to restrict freedom of expression and slowly reduced the quality of democracy in Venezuela. In spite of repeated instances of executive overreach, the OAS has been limited in its ability to respond to the erosion of democracy in ways that go beyond statements from the SG or individual states in Permanent Council or General Assembly meetings. The OAS has been unable to punish Hugo Chávez of Venezuela, and other executives in the region, for cases of

presidential overreach that fall short of autogolpes, but still represent a threat to democracy. The limitations inherent in the regional IGOs provide space for executives in Latin America to overreach in the use of their executive powers.

### 6.3.3 *Panama 2009-2010- Executive Wiretaps Information Released in Wikileaks*

The overreach of executive authority has been exhibited in many ways, such as electoral fraud, the closing or reduction of opposition media, and the jailing of opposition members. In the Panamanian case of executive overreach, President Ricardo Martinelli was accused of wiretapping his political opponents. However, in spite of the allegations and the clear violation of individual rights if the allegations were true, the Organization of American States was silent on the issue.

Ricardo Martinelli, the center-right candidate of Democratic Change, assumed office as President of Panama in 2009 after winning the 2008 elections. Shortly after assuming office, Martinelli allegedly requested assistance from the United States in setting up a more extensive wire-tapping system, presumably to assist the United States with the war on drugs, but the system he requested could have potentially allowed him to spy on the opposition and other political enemies (a key concern for the United States). After the United States rejected the request, Martinelli met with representatives of the Israeli government, who agreed to the request and set up a more extensive wiretapping program (Johnson 2015a). The wiretapping program allowed Martinelli to monitor “not only cell and fixed-line telephone calls and emails, but also Whatsapp and Blackberry texts. Moreover, the techs could burrow into hard drives and extract data and video, and remotely activate functions” (Johnson 2015).

The revelations regarding the wiretapping request to the United States and the eventual assistance from Israel in expanding the wiretapping service were released in 2009 in one of the Wikileaks documents. The opposition was also aware of the wiretapping by the government



during Martinelli's administration. After the release of the Wikileaks documents, Francisco Sanchez Cardenas, the leader of the opposition Democratic Revolutionary Party, told a reporter "This affair leaves the president looking very bad. This goes outside the bounds of democratic practices." (The Huffington Post 2010). Guido A. Rodríguez, a former editor of the Panama America newspaper, stated that politicians were aware of Martinelli's behavior and "they would leave their cell phones outside the room" when meeting and that it was "almost like a ritual" to prevent Martinelli from being able to hear and record their conversations (Johnson 2015b).

The Wikileaks revelations and the awareness from observers of Panamanian politics and opposition leaders demonstrate knowledge of undemocratic behavior by President Martinelli, yet there was no response from regional intergovernmental organizations regarding the behavior. There were no press releases from the SG or the OAS regarding the allegations or the implications of the allegations if true. Additionally, in Permanent Council meetings and the General Assembly meetings, there was no mention of the allegations. Overall, the OAS was silent on the issue of wiretapping of the political opposition by the executive in Panama.

As more recent revelations regarding the wiretapping scheme have come about since 2014, there has been some international response, although the response has not been from the OAS. José Miguel Vivanco of Human Rights Watch has stated that the "matter must be thoroughly examined" and the former Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights, Catalina Botero, has expressed concerns regarding the wiretapping and its effects on right to privacy (La Prensa 2015). However, since Martinelli finished his term in 2014, it is unlikely regional IGOs will be able or willing to punish him after the fact.

Panama represents a case where allegations of undemocratic behavior- the wiretapping and spying on opposition figures in a country- were ignored and left unexplored and unpunished by regional intergovernmental organizations whose charters and agreements support the consolidation and defense of democracy in the face of democratic crises.

#### 6.3.4 *The Constituent Assembly in Ecuador- Conflicts between Executive and Opposition*

Although the process of writing a new constitution often represents an inherently

conflictual endeavor, the creation of Ecuador's 2007 Constituent Assembly (CA) presents a vital case to review in terms of the response of regional intergovernmental organizations to crises where an executive is accused of overreaching his authority and violating the separation of powers by another branch of government. In the Ecuadorian crisis, the Supreme Electoral Tribunal (TSE) and the president sparred with Congress and the Courts over the ability of the TSE to dismiss members of Congress. However, in spite of the ongoing crisis, the response from regional IGOs was limited to press releases, most of which were supportive of the process and of the Correa government. In order to understand the responses from the OAS, it is important to give a brief background on the 2007 Ecuadorian crisis.

On the 15<sup>th</sup> of January in 2007, President Correa signed Executive Decree No. 2, which determined that the TSE would organize a popular referendum to ask the voters if they supported the convocation of a Constituent Assembly with full powers in order to compose a new constitution.<sup>35</sup> On the 23<sup>rd</sup> of January, the TSE sent the decree to Congress for approval and on February 13<sup>th</sup>, with a vote of 57-1 (out of 100 congressmen), Congress approved the popular referendum but only after changing a portion of the electoral statutes (the signature threshold to be able to run for the CA elections). Lawmakers from the opposition parties walked out of the

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<sup>35</sup> The full question was: "Do you approve the convocation and installation of a Constituent Assembly with full powers, in conformity with the Electoral Statutes that are attached, in order to transform the institutional framework of the State, and to manufacture a new Constitution?"

assembly without voting. The opposition gave two major reasons for their rejection of the CA and their refusal to vote for its convocation: first, they wanted to limit the ability of the CA to have plenipotentiary powers (which would give it the ability to dissolve Congress and other institutions of government), and second, they felt that the CA was unconstitutional since, according to their interpretation of the Constitution of 1998, the only body authorized to start reforms to the Constitution was Congress, not a special body. On February 28<sup>th</sup>, President Correa issued Executive Decree No. 148, which reinstated the text from the electoral statutes removed by the Congress.

On March 1, the TSE established a referendum date and approved the referendum question posed by President Correa in his decree. On the 6<sup>th</sup> of March, in response to the establishment of the referendum date which the opposition believed was unconstitutional, 57 of the 100 members of Congress voted to dismiss four members of the TSE, including the president of the TSE, Jorge Acosta. In response, on March 7<sup>th</sup> the TSE removed the 57 legislators in Congress that had opposed the referendum and voted for the removal of the TSE members and replaced them with their alternates. The alternates then ratified the position of the TSE president.

On March 9<sup>th</sup>, the OAS Secretary General released a press release stating that he and the Permanent Council were “following the ongoing developments in Ecuador.” The press release did not directly address the 57 dismissed lawmakers. However, it did mention that the Secretary General “expressed his support of President Rafael Correa’s efforts to advance the constitutional process that seeks to put an end to the chronic instability of the last decades” and that it was “crucial for all political and social sectors to participate in this process in a calm and harmonious environment” (Organization of American States Press Release E-074/07).

Despite the appeals for calm from the OAS SG, the situation escalated. On the 13<sup>th</sup> and 14<sup>th</sup> of March, the dismissed lawmakers tried to enter the Congressional building, but were blocked by the police and protestors, some of whom violently attacked the lawmakers. A few days later, 21 of the alternates of the 57 were smuggled into Congress for a swearing-in session, which officially gave Congress a quorum. Members of the 57 attempted to enter Congress that morning to stop the session, but were blocked from entering by the police on orders from President Correa.

Noting that their attempts to enter the Congressional building had failed, the removed lawmakers appealed to the judiciary. On the 27<sup>th</sup> of March, a judge in Guayas province ruled that the lawmakers should be reinstated. The president of Congress, Jorge Cevallos, accepted the ruling and suspended the congressional session being held so the 57 could return. However, before the 57 were able to retake their seats, the TSE determined that the judge in Guayas “was not competent to make a ruling on the lawmakers” and fired the judge (Los Angeles Times 2007).

In spite of the repeated back-and-forth between the TSE, the 57 lawmakers, and Correa, the referendum was held on schedule and was approved by 82% of the electorate. Following the referendum, the SG of the OAS released a press statement that praised the vote and “the calm atmosphere and free participation of voters” and stated that the SG “trusts that all actors in Ecuador will know how to conduct themselves” (Organization of American States Press Release E-102/07). Again, there was no direct mention of the situation involving the 57 lawmakers or the inter-institutional conflict.

After the victory from the court in Guayas province, the 57 lawmakers appealed to the Constitutional Court for reinstatement. The Constitutional Court reinstated the 57 lawmakers,

calling their removal unconstitutional. In response to the decision by the Constitutional Court, President Correa said the decision was “shameless” and that the congressmen were dismissed for incompetence and did not deserve their jobs back (BBC News 24 April 2007). A day later, a local news channel caught the alternates of the 57 dismissed lawmakers meeting in a hotel with the Minister of Government, Gustavo Larrea. The implication was that the government was making deals with the alternates of the 57 in order to secure their support for whatever measures the Correa administration wanted from them. The alternates left the hotel meeting covering their faces with napkins and tablecloths, earning the Congress in which they participated the nickname “El Congreso de los Manteles” (the Congress of the Tablecloths).

The day after the hotel meeting with the Correa administration, the “new” Congress (with the alternates of the removed 57 lawmakers) met and dismissed the Constitutional Court Judges, asserting that their terms expired in January. Correa again instructed the police to block the 57 lawmakers from reentering Congress, stating that if any tried they would be sent to prison. The federal prosecutor, Elsa Moreno, then ordered the arrest of 24 of the 57 deputies on charges of sedition, forcing several of the lawmakers to flee to Colombia.

In spite of the support the dismissed lawmakers received from the courts, the inability to secure a solid, irreversible outcome prevented the lawmakers from taking their seats in Congress. The elections for the CA, which were monitored by the OAS and The Carter Center, were held in September 2007. The party of President Correa, Alianza País, won 74 out of 130 of the seats in the CA. In November of 2007, the CA convened and one of its first acts of business was to dismiss Congress on charges that it was corrupt. 110 of the 129 delegates present voted for the dismissal of Congress and on November 30, Jorge Cevallos agreed to the dismissal of the

Congress. The new constitution was approved in a referendum on September 28, 2008, winning approval from 69% of the voters.

It is important to note two key discrepancies between the government and the opposition in this crisis that reflect a major difference in how the disparate groups viewed the crisis. The major question in the crisis resolved around whether either group, and if so, which one, was behaving unconstitutionally. The opposition members of Congress claimed that President Correa and the TSE were behaving unconstitutionally, as the 1998 Constitution stipulated that only Congress is authorized to undertake reforms to the constitution. They also argued that the TSE did not have the authority to remove members of Congress and as a result, the executive and the TSE had essentially overreached their authority by removing those members from their seats in Congress. For the opposition, the removal of the 57 lawmakers was a violation of their democratic rights and the rights of those who elected them into office. On the other hand, the President and the TSE claimed the opposition was behaving unconstitutionally, as they had no right to vote to remove the president of the TSE from office and, although part of the fault lied with the TSE in “erroneously interpreting the Constitution”, the Congress did not have the constitutional right to approve the referendum question nor did they have the right to reform content in the Executive Order (Ecuador Embassy Report 2007).

Second, the opposition parties to Correa were the dominant part of Congress, and their concern was that if the CA was given plenipotentiary powers, the CA would dissolve Congress and, as a result, the dissolution of Congress would limit the ability of the Congress to act as a “check” on the Correa administration. However, for many of the pro-Correa politicians, the idea of full powers for the Constituent Assembly was an indisputable and foregone conclusion. In a personal interview, Alberto Acosta, the President of the CA remarked “Of course the CA should

have plenipotentiary powers. They are fundamental” (Acosta 2014). With regards to the process being a crisis, Maria Paula Romo, a representative of the CA and political leader, stated that “the removal of the 57 was a crisis, but it was because when an electoral tribunal removes half of the Congress, it is an institutional crisis” (Romo 2014). However, Romo also made the point that the TSE had the ability to make the decision based on the electoral laws.

The dispute over which actor had behaved undemocratically meant the situation was less clear in terms of whether there was a violation of the constitution and how to respond as a result. However, this lack of clarity could have been addressed by the OAS, but it was not, primarily because the Secretary General of the OAS and the member states paid deference to the executive of Ecuador as opposed to the opposition, only reviewing documents from the opposition outside of structured meetings. A similar lack of clarity in response to the impeachment and removal of President Lugo in Paraguay led to multiple meetings of the OAS Permanent Council, a fact-finding mission headed by the SG of the OAS, and the suspension of Paraguay from UNASUR and Mercosur- a drastically more in-depth and comprehensive response to crises with similar levels of constitutional and democratic ambiguity.

The response from the OAS to the conflict between the institutions in Ecuador was mostly limited to press releases from the Secretary General urging the parties in the conflict to behave democratically and praising the Correa government for his movements towards a CA. Representatives from the group of the 57 legislators traveled to Washington D.C. to meet with the Secretary General, but according to one of the members, Luis Fernando Torres, the meeting with the SG “didn’t produce any results” and the “OAS and SG Insulza legitimized the unconstitutional behavior of the electoral tribunal instead of defending democracy” (Personal Interview 17 June 2014).

The issue of the 57 was very briefly mentioned during a report regarding the OAS observation of the 15<sup>th</sup> of April CA referendum vote. The ambassador from Guatemala stated that the Permanent Council member states had been “following with great interest the situation of Ecuador” and asked the SG to share his impressions regarding the conversation he had with the 57 lawmakers the day before. The SG responded that he was reviewing the materials presented by the 57 lawmakers after meeting with them the day before and all of the materials the 57 had presented would be available to the other member states if they requested. The Ecuadorian delegate mentioned that the government of Ecuador had already delivered a document regarding the situation in Ecuador with the 57 lawmakers and that any delegations wishing to understand more could read the document to understand the “legal situation” of the 57 lawmakers (13). After that discussion, the topic was not broached again in the OAS, despite the request by the 57 lawmakers to look into the case.

A majority of the lawmakers did appeal to the Inter-American Commission on Human Rights to look into their case, submitting a request for review on the 16<sup>th</sup> of October in 2007. However, as of 2013 the IACHR had not ruled on the admissibility of the case (El Mercurio 14 November 2013).

The Ecuadorian Constituent Assembly crisis represents an illustrative case of a failure of the international community to look more deeply into events in a crisis state, even though a request from the embattled opposition members to review the case and comment publicly on it was made. Representatives of the 57 lawmakers actively petitioned the international community, including the OAS, for assistance in responding to what they perceived to be the unconstitutional dissolution of their positions. Despite the requests from the opposition, the OAS failed to look more deeply into the crisis, limiting the response to broadly worded press releases regarding the



Constituent Assembly process. Since either the SG of the organization or a member state is required to request a meeting of the Permanent Council or General Assembly, the lawmakers were not able to secure a response in the form of a meeting or the invocation of the democracy clauses from the OAS. Based on the statement from the Ecuadorian ambassador to the OAS regarding the documentation already provided to the OAS discussing the situation with the 57, it is highly unlikely that the government of President Correa would have authorized additional actions looking into the crisis in Ecuador. In effect, the procedural norms and structure of the OAS gave deference to the President of Ecuador, and the potentially unconstitutional behavior of President Correa and institutions allied with the government were not examined in more detail.

#### 6.4 *Threats to the Executive*

##### 6.4.1 *Ecuador 2010*

The case of the attempted coup d'état in Ecuador 2010, referred to as the “30<sup>th</sup> of September” in Ecuador, offers a strong example of the variation in the responses of the OAS to cases of presidential overreach as compared to cases that represent a threat to the executive. The 30<sup>th</sup> of September offers a key insight into the ability of executives to harness the regional organizations to support their standing as executive and the role of regional organizations in protecting presidents when under threat.

Rafael Correa was elected president in 2006 after years of tumultuous politics in Ecuador. In spite of the unstable history of executives in the country since 1997 (the country has had 8 different presidents since 1997), Correa has been able to maintain high popularity ratings, remaining consistently above 50%, and has taken advantage of a surge in oil prices to fund social spending. However, a number of his policies had been met with opposition, most notably a major protest against austerity measures affecting the police and military in 2010. On the 30<sup>th</sup> of September, after the passage of a law by the National Assembly that reduced the values of

pensions for the National Police and changed the bonus structure for promotions, members of the National Police began to protest the law by occupying police barracks and the National Assembly building, setting up road blocks across the country, and taking over the main airport in Quito. In an effort to calm the protesting police and discuss the new law with them, President Correa went to the main police barracks to meet with the police. The reception towards Correa was highly negative, and protestors, some in their police uniforms, pushed and shoved the President. The president then challenged the police, yelling: “Gentlemen, if you want to kill the president, here he is, kill him, if you have the guts” and then grabbing to rip off his shirt and tie (Semana.com 30 September 2010). After this exchange, a tear gas canister was fired at President Correa and he was forced to flee the barracks wearing a gas mask. He was taken to the police hospital, where, because he was not able to leave the hospital, he claimed to have been kidnapped by the police. From the hospital, Correa declared a state of emergency and said that the crisis was a “coup attempt” and that the opposition was behind the crisis. After ten hours at the police hospital, soldiers raided the hospital where Correa was located and were able to extract him from the hospital and escort him back to the presidential palace. By the next day, the military was able to regain control of the streets, the airport, and the National Assembly, and the situation was defused within 24 hours of its start.

The international response to the crisis was immediate and supportive of President Correa. The Secretary General of the OAS issued a press release stating his “full support” for Correa and noted that he had spoken to President Correa about the situation that day (Organization of American States Press Release E-357/10). At the request of the Ecuadorian government, the OAS Permanent Council also met in a special session on September 30<sup>th</sup>, where they passed a resolution supporting the Correa government and authorizing a mission for the

Secretary General to travel to Ecuador (Organization of American States CP/Res. 977). The conversation regarding the situation and the passage of the resolution was unanimously in support of the government of Rafael Correa and there was no dissent on the passage of the resolution.

The SG left for Ecuador the following day (October 1<sup>st</sup>), once again issuing a press release expressing his “support and solidarity for the Constitutional President of Ecuador, Rafael Correa and inform him about the Organization’s determination to *demand the rebellious sectors of the public forces to observe the principals and norms set forth in the Inter-American Democratic Charter*” (Organization of American States Press Release E-361/10, emphasis added). The other Presidents of UNASUR also met in an emergency session in Buenos Aires, Argentina on the day of the crisis, issued a statement “condemning the attempted coup and the kidnapping of Rafael Correa,” and authorized a mission of the foreign ministers of UNASUR to meet in Quito on October 1<sup>st</sup>. Finally, the declaration included the intention to pass a democracy clause for UNASUR, which was signed in November of 2010.

Since the crisis was defused within 24 hours and President Correa was able to regain control in Ecuador, the crisis was generally considered to have been resolved. In comparison to cases where the president is accused of overreach or undemocratic behavior, whether it was fraud in municipal elections, the violation of the freedom of expression, of even the removal of opposition members in the National Assembly during the rewriting of a constitution, the response of the regional intergovernmental organizations to the threat to the president in Ecuador was significantly larger, more in-depth, and more comprehensive.

#### 6.4.2 *Paraguay 2012: Impeachment or Coup D’etat? Comparing the Responses of UNASUR and Mercosur to those of the Organization of American States*

The crisis in Paraguay 2012 presents an ideal case with which to compare the responses of Mercosur and UNASUR to those of the OAS in the face of a threat to the executive. The response of Mercosur and UNASUR to the removal of President Fernando Lugo from office was immediate and strong in its condemnation of the crisis. Although the response from the OAS was not as forceful as that of Mercosur and UNASUR, the response still represents a case in which we see a broad range of action from the OAS as compared to crises of presidential overreach, further confirming the argument that the OAS is more likely to respond with greater range and depth to a crisis which represents a threat to the executive than to presidential overreach.

On June 22, 2012, in response to a clash between police and land-occupying peasants that resulted in several deaths, the traditional parties in Paraguay's Congress began the process of impeachment against President Lugo. Although the Congress has the constitutional right to impeach the president, the way in which the impeachment process occurred- President Lugo was given less than 24 hours to prepare his defense against the charges of malfeasance in office and the trial in the Senate lasted for only two hours- raised concerns for many states and organizations in the region (McCoy 2012). Both chambers of Congress voted overwhelmingly to impeach President Lugo, with a vote of 76-1 in the Chamber of Deputies and a vote of 39-4 in the Senate. President Lugo initially accepted the impeachment, stating, "I say goodbye as president" but added that Paraguay's democracy "has been deeply wounded" (TheGuardian.com 2012). Vice President Federico Franco was sworn in as Lugo's replacement shortly after the conclusion of the impeachment proceedings.

The response of the international community, especially from sub-regional IGOs, was immediate. After the announcement by the Lower Chamber of Congress in Paraguay on June 21<sup>st</sup> that there would be an impeachment trial, UNASUR dispatched a delegation of foreign ministers

to Paraguay to try to intervene. The foreign ministers also called the impending impeachment “a rupture of the democratic order by not respecting due process” (coha.org 2012). UNASUR also authorized a high-level group to monitor and assess the situation in Paraguay after the impeachment. Brazil suggested that Paraguay could be suspended from both Mercosur and UNASUR, and within a week both regional organizations voted unanimously to suspend Paraguay, citing the democracy clauses in the suspensions.<sup>36</sup> UNASUR member states refused to recognize the new government and those with embassies in Paraguay withdrew their ambassadors. The responses from Mercosur and UNASUR were immediate and represented the most in-depth and comprehensive responses the organizations had available. The immediate and decisive responses of the sub-regional Organizations stand in contrast to the more delayed and reduced, albeit existent, response of the Organization of American States.

On June 22<sup>nd</sup>, the day of the impeachment conviction by the Senate, the SG of the OAS issued two press releases and convened the Permanent Council of the OAS in an extraordinary meeting to discuss the situation occurring in Paraguay. In the press releases, SG Insulza stated his “firm conviction that the institutional stability that has been achieved in the region must be protected, safeguarding respect for due process, not only in form, but also in substance” and added “that implies the proper assessment of the evidence of the accusation and the application of terms that allow the adequate preparation and presentation of the arguments of the accused in plain exercise of their right to defense” (OAS Press Release E-226/12). He also announced the appointment the Permanent Representative from Uruguay to follow up on the conflict *in situ* and help in its resolution (OAS Press Release E-228/12).

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<sup>36</sup> Mercosur met and suspended Paraguay from the organization on 29 June 2012. UNASUR met and suspended Paraguay from the organization on 30 June 2012.

According to SG Insulza, the meeting of the Permanent Council was called to allow for more information regarding the events as they unfolded in Paraguay (OAS Permanent Council Minutes 1856/12). The major concern in the meeting was whether President Lugo had been given the rights of due process and defense, as the time to respond to the impeachment proceedings and the allegations against him was extremely limited (less than 24 hours). The SG noted that the process had occurred quickly and he had seen time-limited impeachment proceedings in the region, but “none were as short as this” (5).

The representative from Paraguay was also given time to speak, noting that although the process did technically occur constitutionally- the chambers of Congress followed constitutional procedure, the trial was occurring remarkably quickly. He also noted the President Lugo had requested extra time to prepare a defense, but was denied. Despite the update on the constitutionality of the impeachment, the statement from the Paraguayan representative was neither overtly pro-Lugo nor pro-Congress.

A number of the leftist states in the region, such as Venezuela, Bolivia, and Nicaragua, unequivocally categorized the events as a coup d’etat. The Nicaraguan delegate stated the member states were standing in front of the materialization of a “new coup d’etat by other methods” (8). The Dominican Republic added to the group of states calling the events a coup d’etat and suggested the invocation of Article 20 of the IADC. However, other states were hesitant to call it a coup d’etat, instead insisting that the major concern was the respect for due process and the right to a defense. The United States, Colombia, Brazil, and Canada all stated they were concerned about the events and would be monitoring the situation closely. Due to a desire for more information on the events, the SG and President of the Permanent Council closed the session of the Permanent Council with the plan to meet again in the following days.

On June 26<sup>th</sup>, four days after the impeachment proceedings in Paraguay concluded, the OAS Permanent Council met again in an extraordinary session called by the Secretary General. At the beginning of the session, the President of the Permanent Council announced that the goal of the meeting was to reflect on the information gathered thus far and then determine what decision the member states should adopt.<sup>37</sup> The SG presented a brief review of the known facts of the crisis and then stated that the Organization “has many paths to follow” (4). He noted that technically the Congress does have the right to impeach, however, it was also important to remember other rights and norms of the Paraguayan Constitution and International Law, such as the right to due process and the right to defend oneself (3).

The ambassador from Paraguay appointed by Lugo spoke and noted that he was now acting as a representative of the Franco government, stating that the new government had asked him to stay in his post at the OAS. He reviewed many of the details of the situation, focusing on the deaths of the peasants and the fears, held by many in the government, that a delayed or long impeachment trial would cause more instability and deaths. He argued that although President Lugo had created various mechanisms with which to investigate the deaths, they were not sufficient to calm the population. The ambassador also argued that the reason President Lugo was given so little time to organize a defense was due to a trial against former President Raul Cubas, who was given five days to organize his defense, during which time additional violence broke out causing the deaths of five people (7). In addition, the ambassador argued that Lugo’s defense team did not use the full two hours given to them for the defense, and instead finished fifteen minutes before their designated time.

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<sup>37</sup> The President or Chair of the Permanent Council is held on a rotating basis by the ambassadors of the member states. During these sessions, the ambassador from Honduras, Leónidas Rosa Bautista, held the Presidency of the Permanent Council from Honduras.

The response from the rest of the member states was deeply divided. On one side were member states that characterized the events as a clear coup d'état and, as a result, wanted to invoke the IADC, convene the General Assembly, and suspend Paraguay from the Organization of American States. Nicaragua proposed to draft the resolution calling for the suspension of Paraguay in a General Assembly meeting and was supported by numerous states, including Venezuela, the Dominican Republic, Ecuador, Argentina, Bolivia, and St. Vincent and the Grenadines. Brazil and Uruguay also expressed concerns about the process and that it was potentially a rupture of the democratic order, but wanted the OAS to wait to issue a response until after Mercosur and UNASUR met at the end of the week. Brazil argued that the Permanent Council of the OAS should defer to the information and knowledge of the sub-regional organizations, since they were the ones that had "greater specificity and were more directly involved in the matter" (24).

On the other side of the divide were the member states that, although all were concerned about the lack of due process and right to defense, were much more hesitant to label the events as a coup d'état or to invoke the democracy clauses to respond to the crisis without more information regarding the process. Honduras led this group and proposed the authorization of a fact-finding mission by the Secretary General and a team to Paraguay to gather more information and report back to the Permanent Council so they could then make a decision with all the information available. A majority of member states agreed to this proposal, including the United States, Canada, El Salvador, Jamaica, Colombia, Costa Rica, and Panama (among many others). In particular, Panama stated it was almost "impossible" to make a well-informed decision without more information (34).



The debate between these two disparate groups became heated at times. The Venezuelan and Nicaraguan delegations challenged the presence of the Paraguayan ambassador, with Venezuela questioning whether his presence demonstrated implicit “acceptance” of the coup and whether that would affect the standing and “ethics” of the OAS (15). The Venezuelan ambassador also noted that, contrary to the general understanding of the responsibility of ambassadors to the executive branch, it appeared that “not all representatives at this meeting of the OAS are connected in hierarchical flow or due obedience and respect to the Heads of State” (15). The Canadian ambassador cautioned against “rash remarks” or “premature positioning” as the atmosphere in Paraguay was “relatively calm at the moment” and the member states should be cautious against fueling tensions (22).

The representative from Paraguay agreed to a fact-finding mission in the country, arguing that the process had been constitutional and that President Lugo had full rights- both in terms of the trial but also in terms of post-impeachment, since he was freely visiting supporters and giving interviews (38). He also stated it would be an open invitation to whichever member states wanted to participate in the mission (39).

The ambassador from Argentina noted there was not consensus among the member states for either a resolution condemning the coup d’etat or for a resolution authorizing a fact-finding mission. Uruguay seconded this statement- arguing that the lack of consensus was going to impede action from the OAS. The President of the Permanent Council responded by summarizing what he felt was the position of the Permanent Council members that they would support the SG on his fact-finding mission. Venezuela and Nicaragua disputed this summary of the viewpoints of the various member states, arguing that they were in favor of a resolution condemning the coup d’etat and beginning the processes outlined in the IADC and had not given

official support to a fact-finding mission of the SG, since they felt the crisis was a coup d'etat. Venezuela noted that they did not want the Permanent Council to issue a resolution or official statement regarding the fact-finding mission when there wasn't consensus on whether the crisis was a coup (43).

In response to the debate about whether or not to vote on a resolution to authorize a fact-finding mission, SG Insulza spoke and stated that his goal for the meeting was not to get a resolution passed, but rather to update the states and explain the intention of the SG to conduct a fact-finding mission. According to his interpretation of the Charter and the IADC, along with the invitation by Paraguay to conduct a fact-finding mission, he was authorized in his capacity as Secretary General to conduct a mission without the authorization of the Permanent Council. He said they "do not have to call it a mission," but that regardless of the chosen path- to invoke the IADC or not, the outcome would be the same- "to form a mission and send it"- since the IADC stipulates that a General Assembly meeting to consider suspension would occur after diplomatic missions (45).

The member states backing Nicaragua's proposal began to soften their stance on the mission, arguing that they were not necessarily against the mission itself or the authority of the SG to conduct a mission, but rather they were upset that the President of the Permanent Council had suggested passing a resolution that failed to acknowledge a lack of consensus on how to define the events in Paraguay. Chile noted that the concern was that if the Permanent Council started to issue resolutions based on majority votes instead of consensus, it would indicate that the entirety of the Permanent Council backed the resolution and would not acknowledge the vital role consensus has played in the OAS (53). Nicaragua stated that the SG would be going on his

own faculties and capacities, but that they wanted “to make it clear that there that many states have expressed concerns and have said it is a coup d’etat, an illegitimate government” (56).

The Chair of the Permanent Council responded to the Nicaraguan delegation by stating that perhaps Nicaragua didn’t hear him correctly and he had reformed the proposal, but Nicaragua seemed to him to agree on the point that the SG could conduct a mission without the express authorization of the Permanent Council to do so (57). The Secretary General gave the final words before the meeting was adjourned, in which he stated he would be organizing a mission to visit Paraguay and would deliver a report to the Permanent Council on his return. He also said that while the mission would not wait for the meetings of Mercosur and UNASUR to take place, he would work with the leaders of those organizations closely and that failure to do so would result in a “grave, grave error” (57). Finally, he noted that he would prefer a delegation with people from different countries so that the mission would be composed of a group of persons representative of the region (57).

Although the Permanent Council did not formally approve the mission, the Secretary General acted within his purview as the SG and with the invitation from the government of Paraguay to conduct a mission to the country. Along with the mission team assembled from various countries in the region, the SG traveled to Paraguay from July 1<sup>st</sup> to 3<sup>rd</sup> and presented his report on July 10<sup>th</sup>. The report covered much of what had already been discussed in the Permanent Council meetings prior: that the impeachment process was technically constitutional, however, the “speed with which the impeachment was conducted was highly unfortunate and created an aura of illegitimacy surrounding the process, whatever the text of the Constitution might say” (OAS Mission Report CP/doc.4786/12 rev.1, 8). Although the impeachment proceedings were concerning, the report also noted that President Lugo had accepted the

proceedings and originally accepted the outcome, although he did later retract that acceptance and filed a case with the Supreme Court of Paraguay for a review of the impeachment proceedings. A final point regarding the events noted the willingness of the majority of social and political actors to accept the elections scheduled to be held in April 2013 (ten months from the month of the crisis) and at those elections both the President and the Congress would be elected.

In closing, the SG made a number of suggestions. The first was for the OAS to follow the outcome of the Supreme Court case and at the IACHR should Lugo decided to file a case with that institution. The second was that the OAS should deploy an electoral mission to observe the April 2013 elections and facilitate dialogue before and after those elections. Finally, the SG addressed the decisions taken by the sub-regional organizations to suspend Paraguay. The SG argued that “the adoption by the OAS of a similar measure would not contribute to the achievement of our objectives” but rather would contribute to the deepening of the political crisis and prevent the OAS from helping Paraguay maintain the current situation of “political, social, and economic stability” (Mission Report 2012, 10). However, he did suggest that Resolution 1080 offers the ability to convene the Ministers of Foreign Affairs to consider the situation in Paraguay and would potentially offer the ability of the OAS to achieve its goals in Paraguay.

In the following discussion, although many of the member states still expressed concern over the events, the general agreement was to review the report with the home governments and then later decide on a course of action. Paraguay accepted the invitation for electoral observation and political dialogue. However, Venezuela, Brazil, and Nicaragua continued to describe the events as a parliamentary coup and referred to the actions by UNASUR and Mercosur to address the situation in Paraguay as the correct course of action. Despite the insistence from these

countries that the crisis was a coup d'état and should be treated as such, the delegations of all of the member states agreed to take the time to review the mission report and make a decision on a response later.

On August 22, 2012, the OAS Permanent Council met to discuss the Paraguayan situation once more. The same divisions present in the majority of the prior discussions were present again- Venezuela, Brazil, Nicaragua, and most of the other leftist South American States argued the events had constituted a coup and the lack of suspension of Paraguay by the OAS served to reinforce the legislative coup. On the other hand, the other member states argued that while the events were clearly not within the spirit of democracy, the constitution had been upheld and the focus was on helping Paraguay develop a stronger institutional framework for the future. The lack of consensus on a final decision to respond to the crisis with the invocation of the IADC or Resolution 1080 or with an electoral mission meant that a resolution from the Permanent Council was not passed. However, the Paraguayan government accepted the electoral mission and the OAS provided the mission.

After elections were held in April 2013, UNASUR and Mercosur agreed to lift the suspension for Paraguay. Paraguay rejoined UNASUR and Mercosur in 2013. Although the reaction from the OAS to the crisis in Paraguay did not consist of sanctions, the multiple meetings, the fact-finding mission, and the electoral mission demonstrated an intense concern and preoccupation with the state of democracy in Paraguay in the face of a threat to the executive.

### 6.5 The Club of Presidents: An Overview of the Cases and Additional Evidence Supporting the Argument

The case studies presented demonstrate a variation in responses to democratic crises in the region. Table 6.1 below demonstrates the variation in responses for crises of threats to the executive compared to cases of presidential overreach.

**Table 6: Comparison of the Responses from IGOs to Threats to the Executive and Cases of Presidential Overreach**

<b>Presidential Overreach</b>	<b>Responses</b>	<b>Threats to the Executive</b>	<b>Responses</b>
<i>Nicaragua 2008</i>	OAS: Permanent Council Meeting (requested by Nicaragua to condemn U.S. intervention in domestic affairs), Press statements expressing concern	<i>Ecuador 2010</i>	OAS: Permanent Council Meeting, Resolution, Good offices, Statements of support for President Correa  UNASUR: Statements of support, Emergency summit, Adoption of democracy clause after coup
<i>Ecuador 2007</i>	Press releases calling for dialogue among conflicting powers, Election-monitoring		
<i>Venezuela 2009</i>	OAS: Statements of concern; Request by United States to apply Article 18 of IADC, Secretary General stated Venezuela did not give prior consent, which is required per Article 18	<i>Paraguay 2012</i>	OAS: Multiple Permanent Council meetings, Fact-finding mission  Mercosur/UNASUR: Diplomatic missions, Suspension of Paraguay from organizations
<i>Panama 2009-2010</i>	None		

During crises that presented threats to the executive, the responses from regional organizations were significantly greater and more in-depth, with a number of official meetings, discussions, statements, and, in the case of the impeachment of Paraguayan President Lugo in 2012, the suspension of Paraguay from Mercosur and UNASUR. On the other hand, responses to crises in which the president overreached in his executive authority, regional organizations were

either silent or responded with far less depth. Although the final outcome, particularly for the OAS, may not be in absolute favor of the executive, the response from the Organization does represent a preference towards investigating and understanding all of the facts on the ground to ensure that an undemocratic rupture had not occurred. A clear comparison is the response of the OAS to the crises in Paraguay 2012 and Ecuador 2007. In both cases the main question was whether and which actor(s) had behaved undemocratically in an inter-institutional conflict. In both cases, democratically elected leaders were removed from their positions by another branch of government. However, in the case of the removal of the executive in Paraguay, the international community responded immediately and with greater depth, including multiple Permanent Council meetings, a fact-finding mission, and the consideration of the invocation of the IADC and Resolution 1080. However, in the Constituent Assembly crisis in Ecuador 2007, despite the possibility that the removal of the 57 opposition legislators was an undemocratic removal (potentially even amounting to a self-coup by the President and institutions favorable to him), the response from the regional Organizations was limited. There were no meetings set to address the crisis, no fact-finding missions, and no press releases in favor of finding further information.

In personal interviews with former and current ambassadors, politicians, presidents, and prominent scholars of democratization, the general understanding of the Organization of American States and other regional organizations confirms the conclusions from the case studies. John Maisto, who served as Ambassador of the United States to the OAS from 2003 to 2006, stated that in the OAS “sovereignty, non-interference, etc trump human rights and democracy” and as a result, the OAS is limited in how it can respond to crises in member states (Personal Interview 30 May 2014). Diego Zorilla, the current resident coordinator of the United Nations

Development Program in Ecuador, stated that “intervention by the UN Secretary General or the Department of Political Affairs of the UN would really be predicated only in cases where there is a major threat to the constitutional order in the country or a big civil disturbance” (Personal Interview, 06 July 2014, Quito, Ecuador). Zorilla added that the UN is able to “monitor low level conflicts that might happen in the country with a view to offer our services as a potential interlocutor” but, again, without the express invitation from the government, the UN and its agencies are limited in what they can provide and how they can respond. The implication is that the government, and particularly the president of a country, can limit how international organizations function in their countries, using the norm of sovereignty as a way to control access into the internal workings of their country. Without a “clear, major threat” to the constitutional order, international organizations are limited in their ability to respond. As stated before, the disputes over what constitutes a “clear, major threat” or an “unconstitutional alteration or interruption,” international organizations are generally limited in responding only to those crises that are the most severe and clear (traditional coups d’etat and autogolpes). As a result, low-level threats to the quality of democracy originating with the executive are less likely to receive in-depth responses from regional organizations, resulting in deterioration in the quality of democracy in the region.

Former President of Ecuador Osvaldo Hurtado (1981-1984) noted that the “OAS is a club of presidents” and asked “Why did the OAS intervene in Honduras (2009)? Why in Paraguay (2012)? And why, here in Ecuador (2010), when the President challenged the police and provoked a state of public upheaval, and he only, because of his decisions created a conflict that put at risk his own life. He called it a coup. He asked the OAS to come here. The OAS came



here, the Secretary General intervened and said ‘yes, there had been an attempted coup!’ (Personal Interview 18 June 2014).

#### 6.6 Conclusion

The argument that the regional organizations in Latin America can be considered “clubs of presidents” is supported by a review of the case studies and quotes from prominent political players in the region. Although the OAS, particularly through the role of the SG, has made some progress in terms of addressing and noting instances of undemocratic behavior, the rules and norms within the OAS often prevent in-depth responses from occurring during periods of executive overreach. However, when a crisis is a threat to an executive, the OAS and the other regional organizations respond swiftly and broadly- employing a wide range of responses to the crisis.

Elections for a new Secretary General and Assistant Secretary General for the OAS were held on March 18, 2015. As the second term of current SG Insulza came to a close, he became more vocal and active in finding ways to meet with other groups and institutions of government. In response to the 2014-2015 violent protests between President Maduro in Venezuela and the opposition there, the OAS SG met repeatedly with representatives of the opposition and has publicly stated his concerns regarding the responses of the Venezuelan government. However, without the explicit acceptance from the Maduro government for a political mission from the OAS, and without a clear, unconstitutional alteration or rupture of the democratic order in Venezuela, the OAS has been limited in its ability to respond to the crisis. Venezuela has rejected offers of assistance and mediation from the OAS, instead preferring to work with the sub-regional organizations such as UNASUR to respond to the crisis. Whether the new OAS SG will continue to follow in his predecessors footsteps in encouraging a more vocal role for the SG in the face of democratic crises is yet to be seen, but for a fundamental change to occur in how

the regional organizations address threats to the quality of democracy, high levels of polarization, conflict, and deep-seated fears must be overcome.

## 7 Chapter Seven: Conclusion

In this dissertation, I sought to explain the variation in responses from regional intergovernmental organizations (IGOs) to democratic crises in Latin America, with special focus on the Organization of American States (OAS). I argued the variation in responses is the result of three key factors: the clarity of the crisis (how clearly the crisis is a violation of the primary democracy clauses of the regional IGOs), the severity of the crisis (the extent to which the crisis threatens the fundamental foundation of democracy in the crisis state), and whether the crisis was a threat to the executive in office or whether the crisis was an instance of presidential overreach. Through a combination of qualitative and quantitative methods, I have found high levels of support for the arguments put forth in this dissertation. As a result, this dissertation adds new dimensions and a deeper understanding to the variation in responses from regional IGOs in Latin America to democratic crises in their member states.

In the first chapter, I discussed the existing literature regarding the relationship between IGO responses and democratic crises and demonstrated that although the literature tells a partial story regarding the variation in responses, touching on the ideas of the type of crisis or the nature of the crisis, the literature fails to account for the severity of the crisis, the way the member states understand the crisis and, finally, the influence of the executives of each member state in the regional organizations. I also noted that the literature fails to address the variation in crises that do not amount to autogolpes or coups d'état. Until this dissertation, the extant literature was lacking a theoretical framework for the variation in crises of low severity and clarity.

In the second chapter, I offered the theoretical background for why crises of high severity and clarity receive more extensive and in-depth responses from regional IGOs as compared to crises of low severity and clarity. I argued that high levels of clarity and severity reduce the

mitigating effects of polarization/polarization, uncertainty regarding the consequences of responding to a crisis in a member state, time, and imperfect information. However, when clarity or severity is low, those effects matter more- leading to a reduction in the likelihood that the regional IGOs will respond to the democratic crisis.

In Chapter Three, I used cross-tabulations and Pearson's chi-squared tests to demonstrate the strength of my arguments. I also tested the alternate theories of linkage and insulation as explanations for the variation in responses to democratic crises in Latin America. The cross-tabulations provided strong support for my arguments regarding clarity and severity, as well as for the "club of presidents" hypothesis, with the majority of the models being statistically significant. The models also demonstrated that the variables of linkage and insulation have a limited impact on the variation in responses. This minimal impact of linkage and insulation on the variation in responses is an important relationship to address, and should be noted when discussing the role of oil exports in Latin America. In future research, I plan to further expound on the variation of linkage and insulation in the region and look at the impact of variations in oil prices over time to continue to review the impact of the notion of insulation in Latin America. In summary, the empirical chapter demonstrated the strength of the theoretical arguments I provide as an explanation for the variation in responses from regional IGOs to democratic crises in Latin America.

In Chapters Four and Five, I used paired case studies (Ecuador 2000 and Honduras 2009; Bolivia 2003 and Ecuador 2004-2005) to demonstrate how the variation in clarity and severity affected the responses from regional IGOs. Although both Ecuador 2000 and Honduras 2009 can be considered cases of high clarity and severity, the responses from the OAS varied. In Ecuador, although the OAS met and passed resolutions regarding the crisis, ultimately the OAS accepted

the transition from President Mahuad to Vice President Gustavo Noboa and did not invoke Resolution 1080. In Honduras, the OAS not only met and passed resolutions condemning the coup d'état in Honduras, but also invoked the IADC and eventually suspended Honduras from the OAS. I argued the variation in the responses was the result of a reduction in severity in the Ecuadorian crisis due to the intervention of the armed forces to ensure a constitutional succession of the vice president to the presidency, which meant the intervening variables of polarization, time, uncertainty, and imperfect information had a greater impact on the response from the OAS. On the other hand, the severity of the crisis in Honduras increased over time, especially with the suspension of civil liberties in Honduras by the coup government and the difficulties in securing an agreement between Manuel Zelaya and the coup government. As a result, in spite of high levels of polarization in the Organization, the member states of the OAS suspended Honduras from the Organization.

In the “near-coup” crises in Bolivia 2003 and Ecuador 2004-2005, the variations in clarity and severity meant greater influence for the intervening variables of polarization, uncertainty, imperfect information, and time. With the request from the Bolivian delegation to refrain from invoking the primary democratic instruments to respond to the mass protests, the OAS was limited in its ability to respond. Although the invocation of the IADC was discussed, various member states, including Bolivia, expressed their preferences to see how the events in Bolivia played out before deciding on a course of action in the face of uncertainty regarding the crisis. The polarization in the Organization also led to a divide between a bloc led by Venezuela, which wanted to emphasize the role of poverty and inequality in causing the crisis, and other states that wanted to focus on the political crisis at hand. This polarization between these two blocs also hampered the ability to pass a clear, cohesive resolution regarding the crisis. President

Sánchez de Lozada eventually resigned, putting an end to that immediate crisis, although his Vice President and successor would later face a similar fate.

The crises in Ecuador 2004-2005 demonstrate two parts of my argument: the idea that the OAS is a “club of presidents” as well as the use of a greater range of actions in the face of an unclear but potentially severe crisis. The OAS Permanent Council and Secretary General did not respond to the replacement of the justices on the Constitutional Court and Supreme Electoral Tribunal, nor to the dismissal of the Supreme Court Justices and the eventual dissolution of the Supreme Court. The United Nation’s Special Rapporteur on the Independence of Judges and Lawyers pressured President Gutiérrez to allow him into the country to conduct an investigation and the Special Rapporteur completed an investigation, leading to a scathing report, but he was unable to do much more than the report to punish the Gutiérrez government. However, after major street protests against Gutiérrez and a decision by the Congress to remove President Gutiérrez from office for “abandoning his post,” the OAS Permanent Council met, passed resolutions, and eventually, when many of the member states expressed their concerns about the potential that the crisis was a coup d’etat, a fact-finding mission was sent to the country under the auspices of Article 18 of the IADC.

A comparison of the crises in Bolivia and the two in Ecuador demonstrate a tendency towards the protection of the executive (multiple meetings and resolutions in response to threats to the president, and in Ecuador 2005, the invocation of the IADC and a fact-finding mission) and the tendency of the OAS to fail to investigate instances of presidential overreach (the lack of a response to the overreach of president power in Ecuador in 2004). The comparison of cases also demonstrates that the OAS was likely to respond with a wider range of responses to a crisis that was potentially more severe. On the other hand, since the Bolivia 2003 crisis had not

reached the threshold to be considered a severe crisis, the intervening variables of uncertainty, polarization, time, and information played a greater role. In summary, the two paired-case study chapters offered in-depth evidence and support of my argument.

In Chapter Six, I argued that the OAS, and especially the other sub-regional IGOs, can be characterized as clubs of presidents which are more likely to respond to threats to the executive than to condemn instances of presidential overreach. I demonstrated that the structures of the IGOs, the voting rules, leadership roles, and the language of the primary democratic instruments create a system in which the executive is relatively protected from shaming during instances of presidential overreach or abuse of power, but during crises that threaten the president's position in power, the regional IGO is likely to take a wide variety of actions to protect the president. I then summarized a number of cases to demonstrate the variation in responses to cases of presidential overreach as compared to threats to the executive. The summaries of the cases showed that the OAS, and especially UNASUR and Mercosur, were much more likely to respond to threats to the president. I also demonstrated that in some cases of presidential overreach, the IGOs were completely silent on the issue. The discussion and case summaries demonstrate the limitations of the defense-of-democracy regime in Latin America.

This project has made a number of contributions to the literature and to our broader understanding of the role of international actors in the process of democratic defense. This project not only built on the idea that the type of crisis drives the response, but expounded on the reasons for why the type of crisis matters: the clarity and severity of the crisis drive the response. The explanation I provided also helps to explain the variation in responses to similar type crises, such as the coups d'état in Honduras 2009 and Ecuador 2000, an explanation that has previously been inadequately addressed. In addition, while the previous literature argued that crises that are

neither clear nor severe are evaluated on a case-by-case basis, I countered that argument by pointing to the influence of the components of bounded rationality- ideological polarization, uncertainty, time, and imperfect information. As decision-makers in the regional Organizations deal with crises that aren't clear or severe, the importance of polarization, uncertainty, time, and information become more important. This is one of the first projects that addresses the role of these factors in responding to democratic crises in Latin America, and this explanation deserves further examination in future projects.

Finally, this project adds to the literature by providing empirical evidence of the assertion that the OAS and other regional IGOs in Latin America are “clubs of presidents.” This assertion is made for many regional IGOs, spanning from ASEAN in Asia and the African Union in Africa, but the testing of the assertion is even more important for Latin America since the region also has one of the most developed defense of democracy regimes in the world. The empirical evidence generally supports the “clubs of presidents” argument and demonstrates that although the regional IGOs in Latin America have made huge gains in signing declarations of support for democratic regimes and promising to defend them in the case of alterations or interruptions, there is still a great chasm amongst the member states about the manner in which those declarations should be applied and when. The “clubs of presidents” argument also demonstrates the limitations of the regional IGOs in responding to requests by other actors in the member states, including other branches of government, such as the legislatures and courts. Since the representatives at the organizations are either the executives themselves or ambassadors appointed by the executives, the executives have inordinate influence in the organizations vis-à-vis the decision-making process in the organizations. The result is a focus on protecting the



executives in the organizations during threats to their positions as executives while ignoring or reducing the responses to instances of presidential overreach.

In terms of policy implications and the future of the defense-of-democracy regime in Latin America, this project offers some critical evaluations of the current policies of the OAS and the other regional IGOs. The other branches of government and the opposition in member states, such as the Supreme Court, Congress, and even sub-national actors, such as governors and mayors, should have should have greater access to the regional IGOs when they are threatened due to presidential overreach. This access should not just be through institutions such as the Inter-American Commission of Human Rights, but also greater access to the institutions with greater influence and sanctioning-power, such as the Permanent Council. The argument that regional organizations are “clubs of presidents” demonstrates that these IGOs allow executives to essentially act as “gatekeepers” to the organizations, limiting the influence of opposition actors and non-governmental organizations. OAS Secretary General (SG) José Miguel Insulza has been actively commenting on and pushing for a larger role for the SG in addressing concerns regarding the quality of democracy in a number of countries, the SG is still limited by sovereignty, polarization, and the decision-making mechanisms of the OAS. Executives remain able to “hide” behind the claims of sovereignty and ambiguous understandings of democracy to erode the quality of democracy in their countries. A clear, unambiguous, and concise enumeration of the definition of democracy and the rights and responsibilities of the regional organizations in terms of ensuring and defending democracy should continue to be a goal for the region.

As with all projects, there are a number of limitations this dissertation faces. The first is that a deeper and more complex analysis of the decision-making process of the key actors would

give greater nuance and depth to the analysis. Although I was able to interview many of the key players in the crises described in this dissertation, a good amount of time has passed between the crises and the interviews. Their memories could be colored by new information, perceptions of the crises in light of the events after the crises, and finally, by the difficulty of remembering one's own thought processes during an event. Another major limitation of the project is the fact that many of the alternate regional IGOs are relatively new. As these organizations continue to develop and become established, we will have more instances in which the organizations can respond to issues within the member states. As a result, we will have more data with which to make stronger conclusions. However, with the data we currently have, it appears that the trend towards protection of the executives in these sub-regional organizations will likely continue. Future research will address the expanding role of these sub-regional organizations and the impact their rise has on the role of the OAS and the United States in the process of consolidation and defense of democracy.

This project also does not evaluate the impact or results of the variation in responses to democratic crises in-depth. Although I argue in the "clubs of presidents" chapter that the lack of responses to instances of presidential overreach mean that the quality of democracy may be affected over time, I do not analyze in detail the effect of either responses or non-responses from regional IGOs. Future research will also seek to address the impact and consequences of the responses from regional IGOs and look into whether the regional IGOs help or hinder the resolution of crises. In a future project, I will also seek to answer which responses are most helpful in resolving democratic crises in the region. Despite the caveats and limitations of this dissertation, the project provides a solid and unique foray into the literature regarding democratic crises and the responses of regional IGOs in Latin America.

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## **Appendices**

### **Appendix A: Resolution 1080 (Organization of American States)**

#### **AG/RES. 1080 (XXI-O/91)**

#### **REPRESENTATIVE DEMOCRACY**

(Resolution adopted at the fifth plenary session, held on June 5, 1991)

**WHEREAS:**

The Preamble of the Charter of the OAS establishes that representative democracy is an indispensable condition for the stability, peace, and development of the region;

Under the provisions of the Charter, one of the basic purposes of the OAS is to promote and consolidate representative democracy, with due respect for the principle of non-intervention;

Due respect must be accorded to the policies of each member country in regard to the recognition of states and governments;

In view of the widespread existence of democratic governments in the Hemisphere, the principle, enshrined in the Charter, that the solidarity of the American states and the high aims which it pursues require the political organization of those states to be based on effective exercise of representative democracy must be made operative; and

The region still faces serious political, social, and economic problems that may threaten the stability of democratic governments,

**THE GENERAL ASSEMBLY**

**RESOLVES:**

1. To instruct the Secretary General to call for the immediate convocation of a meeting of the Permanent Council in the event of any occurrences giving rise to the sudden or irregular interruption of the democratic political institutional process or of the legitimate exercise of power by the democratically elected government in any of the Organization's member states, in order, within the framework of the Charter, to examine the situation, decide on and convene and ad hoc meeting of the Ministers of Foreign Affairs, or a special session of the General Assembly, all of which must take place within a ten-day period.
2. To state that the purpose of the ad hoc meeting of Ministers of Foreign Affairs or the special session of the General Assembly shall be to look into the events collectively and adopt any decisions deemed appropriate, in accordance with the Charter and international law.

3. To instruct the Permanent Council to devise a set of proposals that will serve as incentives to preserve and strengthen democratic systems, based on international solidarity and cooperation, and to apprise the General Assembly thereof at its twenty-second regular session.

### **Appendix B: Inter-American Democratic Charter of the OAS**

Lima, September 11, 2001

#### INTER-AMERICAN DEMOCRATIC CHARTER THE GENERAL ASSEMBLY,

CONSIDERING that the Charter of the Organization of American States recognizes that representative democracy is indispensable for the stability, peace, and development of the region, and that one of the purposes of the OAS is to promote and consolidate representative democracy, with due respect for the principle of nonintervention;

RECOGNIZING the contributions of the OAS and other regional and sub-regional mechanisms to the promotion and consolidation of democracy in the Americas;

RECALLING that the Heads of State and Government of the Americas, gathered at the Third Summit of the Americas, held from April 20 to 22, 2001 in Quebec City, adopted a democracy clause which establishes that any unconstitutional alteration or interruption of the democratic order in a state of the Hemisphere constitutes an insurmountable obstacle to the participation of that state's government in the Summits of the Americas process;

BEARING IN MIND that existing democratic provisions in regional and subregional mechanisms express the same objectives as the democracy clause adopted by the Heads of State and Government in Quebec City;

REAFFIRMING that the participatory nature of democracy in our countries in different aspects of public life contributes to the consolidation of democratic values and to freedom and solidarity in the Hemisphere;

CONSIDERING that solidarity among and cooperation between American states require the political organization of those states based on the effective exercise of representative democracy, and that economic growth and social development based on justice and equity, and democracy are interdependent and mutually reinforcing;

REAFFIRMING that the fight against poverty, and especially the elimination of extreme poverty, is essential to the promotion and consolidation of democracy and constitutes a common and shared responsibility of the American states;

BEARING IN MIND that the American Declaration on the Rights and Duties of Man and the American Convention on Human Rights contain the values and principles of liberty, equality, and social justice that are intrinsic to democracy;

REAFFIRMING that the promotion and protection of human rights is a basic prerequisite for the existence of a democratic society, and recognizing the importance of the continuous development and strengthening of the inter-American human rights system for the consolidation of democracy;

CONSIDERING that education is an effective way to promote citizens' awareness concerning their own countries and thereby achieve meaningful participation in the decision-making process, and reaffirming the importance of human resource development for a sound democratic system;

RECOGNIZING that a safe environment is essential to the integral development of the human being, which contributes to democracy and political stability;

BEARING IN MIND that the Protocol of San Salvador on Economic, Social, and Cultural Rights emphasizes the great importance of the reaffirmation, development, improvement, and protection of those rights in order to consolidate the system of representative democratic government;

RECOGNIZING that the right of workers to associate themselves freely for the defense and promotion of their interests is fundamental to the fulfillment of democratic ideals;

TAKING INTO ACCOUNT that, in the Santiago Commitment to Democracy and the Renewal of the Inter-American System, the ministers of foreign affairs expressed their determination to adopt a series of effective, timely, and expeditious procedures to ensure the promotion and defense of representative democracy, with due respect for the principle of nonintervention; and that resolution AG/RES. 1080 (XXI-O/91) therefore established a mechanism for collective action in the case of a sudden or irregular interruption of the democratic political institutional process or of the legitimate exercise of power by the democratically-elected government in any of the Organization's member states, thereby fulfilling a long-standing aspiration of the Hemisphere to be able to respond rapidly and collectively in defense of democracy;

RECALLING that, in the Declaration of Nassau [AG/DEC. 1 (XXII-O/92)], it was agreed to develop mechanisms to provide assistance, when requested by a member state, to promote, preserve, and strengthen representative democracy, in order to complement and give effect to the provisions of resolution AG/RES. 1080 (XXI-O/91);

BEARING IN MIND that, in the Declaration of Managua for the Promotion of Democracy and Development [AG/DEC. 4 (XXIII-O/93)], the member states expressed their firm belief that democracy, peace, and development are inseparable and indivisible parts of a renewed and integral vision of solidarity in the Americas; and that the ability of the Organization to help preserve and strengthen democratic structures in the region will depend on the implementation of a strategy based on the interdependence and complementarity of those values;

CONSIDERING that, in the Declaration of Managua for the Promotion of Democracy and Development, the member states expressed their conviction that the Organization's mission is not limited to the defense of democracy wherever its fundamental values and principles have

collapsed, but also calls for ongoing and creative work to consolidate democracy as well as a continuing effort to prevent and anticipate the very causes of the problems that affect the democratic system of government;

BEARING IN MIND that the Ministers of Foreign Affairs of the Americas, at the thirty-first regular session of the General Assembly, held in San Jose, Costa Rica, in keeping with express instructions from the Heads of State and Government gathered at the Third Summit of the Americas, in Quebec City, accepted the base document of the Inter-American Democratic Charter and entrusted the Permanent Council of the Organization with strengthening and expanding the document, in accordance with the OAS Charter, for final adoption at a special session of the General Assembly in Lima, Peru;

RECOGNIZING that all the rights and obligations of member states under the OAS Charter represent the foundation on which democratic principles in the Hemisphere are built; and

BEARING IN MIND the progressive development of international law and the advisability of clarifying the provisions set forth in the OAS Charter and related basic instruments on the preservation and defense of democratic institutions, according to established practice,

RESOLVES:

To adopt the following:

## INTER-AMERICAN DEMOCRATIC CHARTER

### I

#### Democracy and the Inter-American System

##### Article 1

The peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it.

Democracy is essential for the social, political, and economic development of the peoples of the Americas.

##### Article 2

The effective exercise of representative democracy is the basis for the rule of law and of the constitutional regimes of the member states of the Organization of American States.

Representative democracy is strengthened and deepened by permanent, ethical, and responsible participation of the citizenry within a legal framework conforming to the respective constitutional order.

##### Article 3

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

#### Article 4

Transparency in government activities, probity, responsible public administration on the part of governments, respect for social rights, and freedom of expression and of the press are essential components of the exercise of democracy.

The constitutional subordination of all state institutions to the legally constituted civilian authority and respect for the rule of law on the part of all institutions and sectors of society are equally essential to democracy.

#### Article 5

The strengthening of political parties and other political organizations is a priority for democracy. Special attention will be paid to the problems associated with the high cost of election campaigns and the establishment of a balanced and transparent system for their financing.

#### Article 6

It is the right and responsibility of all citizens to participate in decisions relating to their own development. This is also a necessary condition for the full and effective exercise of democracy. Promoting and fostering diverse forms of participation strengthens democracy.

## II

### Democracy and Human Rights

#### Article 7

Democracy is indispensable for the effective exercise of fundamental freedoms and human rights in their universality, indivisibility and interdependence, embodied in the respective constitutions of states and in inter-American and international human rights instruments.

#### Article 8

Any person or group of persons who consider that their human rights have been violated may present claims or petitions to the inter-American system for the promotion and protection of human rights in accordance with its established procedures.

Member states reaffirm their intention to strengthen the inter-American system for the protection of human rights for the consolidation of democracy in the Hemisphere.

#### Article 9

The elimination of all forms of discrimination, especially gender, ethnic and race discrimination, as well as diverse forms of intolerance, the promotion and protection of human rights of indigenous peoples and migrants, and respect for ethnic, cultural and religious diversity in the Americas contribute to strengthening democracy and citizen participation.

#### Article 10

The promotion and strengthening of democracy requires the full and effective exercise of workers' rights and the application of core labor standards, as recognized in the International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work, and its Follow-up, adopted in 1998, as well as other related fundamental ILO conventions. Democracy



is strengthened by improving standards in the workplace and enhancing the quality of life for workers in the Hemisphere.

### III

#### Democracy, Integral Development, and Combating Poverty

##### Article 11

Democracy and social and economic development are interdependent and are mutually reinforcing.

##### Article 12

Poverty, illiteracy, and low levels of human development are factors that adversely affect the consolidation of democracy. The OAS member states are committed to adopting and implementing all those actions required to generate productive employment, reduce poverty, and eradicate extreme poverty, taking into account the different economic realities and conditions of the countries of the Hemisphere. This shared commitment regarding the problems associated with development and poverty also underscores the importance of maintaining macroeconomic equilibria and the obligation to strengthen social cohesion and democracy.

##### Article 13

The promotion and observance of economic, social, and cultural rights are inherently linked to integral development, equitable economic growth, and to the consolidation of democracy in the states of the Hemisphere.

##### Article 14

Member states agree to review periodically the actions adopted and carried out by the Organization to promote dialogue, cooperation for integral development, and the fight against poverty in the Hemisphere, and to take the appropriate measures to further these objectives.

##### Article 15

The exercise of democracy promotes the preservation and good stewardship of the environment. It is essential that the states of the Hemisphere implement policies and strategies to protect the environment, including application of various treaties and conventions, to achieve sustainable development for the benefit of future generations.

##### Article 16

Education is key to strengthening democratic institutions, promoting the development of human potential, and alleviating poverty and fostering greater understanding among our peoples. To achieve these ends, it is essential that a quality education be available to all, including girls and women, rural inhabitants, and minorities.

### IV

#### Strengthening and Preservation of Democratic Institutions

##### Article 17

When the government of a member state considers that its democratic political institutional process or its legitimate exercise of power is at risk, it may request assistance from the Secretary

General or the Permanent Council for the strengthening and preservation of its democratic system.

#### Article 18

When situations arise in a member state that may affect the development of its democratic political institutional process or the legitimate exercise of power, the Secretary General or the Permanent Council may, with prior consent of the government concerned, arrange for visits or other actions in order to analyze the situation. The Secretary General will submit a report to the Permanent Council, which will undertake a collective assessment of the situation and, where necessary, may adopt decisions for the preservation of the democratic system and its strengthening.

#### Article 19

Based on the principles of the Charter of the OAS and subject to its norms, and in accordance with the democracy clause contained in the Declaration of Quebec City, an unconstitutional interruption of the democratic order or an unconstitutional alteration of the constitutional regime that seriously impairs the democratic order in a member state, constitutes, while it persists, an insurmountable obstacle to its government's participation in sessions of the General Assembly, the Meeting of Consultation, the Councils of the Organization, the specialized conferences, the commissions, working groups, and other bodies of the Organization.

#### Article 20

In the event of an unconstitutional alteration of the constitutional regime that seriously impairs the democratic order in a member state, any member state or the Secretary General may request the immediate convocation of the Permanent Council to undertake a collective assessment of the situation and to take such decisions as it deems appropriate.

The Permanent Council, depending on the situation, may undertake the necessary diplomatic initiatives, including good offices, to foster the restoration of democracy.

If such diplomatic initiatives prove unsuccessful, or if the urgency of the situation so warrants, the Permanent Council shall immediately convene a special session of the General Assembly.

The General Assembly will adopt the decisions it deems appropriate, including the undertaking of diplomatic initiatives, in accordance with the Charter of the Organization, international law, and the provisions of this Democratic Charter.

The necessary diplomatic initiatives, including good offices, to foster the restoration of democracy, will continue during the process.

#### Article 21

When the special session of the General Assembly determines that there has been an unconstitutional interruption of the democratic order of a member state, and that diplomatic initiatives have failed, the special session shall take the decision to suspend said member state from the exercise of its right to participate in the OAS by an affirmative vote of two thirds of the member states in accordance with the Charter of the OAS. The suspension shall take effect immediately.

The suspended member state shall continue to fulfill its obligations to the Organization, in particular its human rights obligations.

Notwithstanding the suspension of the member state, the Organization will maintain diplomatic initiatives to restore democracy in that state.

#### Article 22

Once the situation that led to suspension has been resolved, any member state or the Secretary General may propose to the General Assembly that suspension be lifted. This decision shall require the vote of two thirds of the member states in accordance with the OAS Charter.

### V

#### Democracy and Electoral Observation Missions

#### Article 23

Member states are responsible for organizing, conducting, and ensuring free and fair electoral processes.

Member states, in the exercise of their sovereignty, may request that the Organization of American States provide advisory services or assistance for strengthening and developing their electoral institutions and processes, including sending preliminary missions for that purpose.

#### Article 24

The electoral observation missions shall be carried out at the request of the member state concerned. To that end, the government of that state and the Secretary General shall enter into an agreement establishing the scope and coverage of the electoral observation mission in question. The member state shall guarantee conditions of security, free access to information, and full cooperation with the electoral observation mission.

Electoral observation missions shall be carried out in accordance with the principles and norms of the OAS. The Organization shall ensure that these missions are effective and independent and shall provide them with the necessary resources for that purpose. They shall be conducted in an objective, impartial, and transparent manner and with the appropriate technical expertise.

Electoral observation missions shall present a report on their activities in a timely manner to the Permanent Council, through the General Secretariat.

#### Article 25

The electoral observation missions shall advise the Permanent Council, through the General Secretariat, if the necessary conditions for free and fair elections do not exist.

The Organization may, with the consent of the state concerned, send special missions with a view to creating or improving said conditions.

### VI

#### Promotion of a Democratic Culture

#### Article 26

The OAS will continue to carry out programs and activities designed to promote democratic principles and practices and strengthen a democratic culture in the Hemisphere, bearing in mind that democracy is a way of life based on liberty and enhancement of economic, social, and cultural conditions for the peoples of the Americas. The OAS will consult and cooperate on an ongoing basis with member states and take into account the contributions of civil society organizations working in those fields.

#### Article 27

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.

#### Article 28

States shall promote the full and equal participation of women in the political structures of their countries as a fundamental element in the promotion and exercise of a democratic culture.

### Appendix C: List of Crises Demonstrating Variations in Clarity and Severity

			<i>Clarity</i>	
			High	Low
<i>Severity</i>				
High	Ecuador 2000, Guatemala 1993, Honduras 2009, Paraguay 1996, Peru 1992, Venezuela 1992	Ecuador 2005, Paraguay 2012, Venezuela 2002		
Low	Bolivia 2003, Ecuador 2010, Nicaragua 2005, Paraguay 2000, Peru 2000	Argentina 2001; Bolivia 2005, 2006, 2007; Ecuador 1997, 2004, 2007; Nicaragua 2008, 2009, 2010, 2011; Panama 2009; Peru 2004; Paraguay 1999; Venezuela 2007, 2009, 2010		