

1. Making Democracy Work Better

→ MANDATE

We acknowledge that the value and practice of democracy are fundamental to the advancement of all our objectives. The strengthening of the rule-of-law, and strict respect for the democratic system, are—at the same time—a goal and a shared commitment, as well as an essential condition of our participation at the Summits. Consequently, 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 Summit of the Americas. Having due regard for existing hemispheric, regional, and sub-regional mechanisms, we agree to conduct consultations in the event of a disruption of the democratic system of any country that participates in the Summit.

Today, threats to democracy take many forms. To enhance our ability to respond to these threats, we instruct our Foreign Ministers to prepare—in the framework of the next General Assembly of the OAS—an Inter-American Democratic Charter in order to reinforce OAS instruments that actively defend representative democracy.

—DECLARATION OF QUEBEC CITY

Inter-American Democratic Charter

→ MANDATE

This mandate stems from the broad consensus that one of the most constructive ways to defend democracy is to work together to prevent backsliding in democratic practices. Negotiations for the Inter-American Charter occurred in the framework of the OAS, with the participation of the 34 Member States, and with valuable input from civil society organizations. The Charter was signed at the special session of the General Assembly held in Lima, Peru, on the morning of September 11, 2001, after the Ministers of Foreign Affairs learned of the terrorist attacks in New York and Washington, D.C. The signing of this important instrument will be remembered as a milestone in the process of strengthening and defending democracy, and as an episode that demonstrates the collective will and solidarity of the countries in the Americas.

Foreign Ministers approved the Inter-American Democratic Charter. Lima-Peru, September 11, 2001.

The Democratic Charter states that: "Democracy is essential for the social, political, and economic development of the peoples of the Americas." In the first article the Charter establishes an important principle: that peoples of the region have a right to democracy and their governments have an "obligation to promote and defend it."

The Charter includes a renewed commitment to strengthen democratic institutions, and sets up procedures for response by the OAS to any crisis that may arise in democratic systems in the region. As OAS Secretary General César Gaviria put it, the Charter reflects our leaders' positions at the Third Summit of the Americas on the con-

stitutional subordination of all state institutions to the legally constituted civilian authority, and respect for the rule of law by all agencies and sectors in the society. Furthermore, the Charter is a clear signal, and warning, to those who seek to undermine the constitutional order of a Member State, or subvert the essential elements of democracy, that they will be faced by a united and deter-



mined community of nations. (Address by the Secretary General, César Gaviria, at the protocolary session of the Permanent Council, on the first anniversary of the Democratic Charter, September 16, 2002)

The Democratic Charter was first applied in Venezuela from April 11 to 13, 2002. Pursuant to Article 20 of the Charter, the Permanent Council of the OAS met immediately. It decided to send a mission headed by the Secretary General, with the aim of carrying out a fact-finding mission and undertaking the necessary diplomatic initiatives—including good offices—to promote, as quickly as possible, the normalization of the democratic institutional framework. (CP/RES 811, April 13, 2002)

To carry out this mandate, a tripartite mission was formed—together with the Carter Center and the United Nations Development Program (UNDP)—that presented the government, and opposition sectors with a Declaration of Principles for Peace and Democracy in Venezuela, which was signed by the parties in September 2002. Later, the OAS Secretary General—supported by the other agencies in the tripartite mission—facilitated the discussions of the Forum for Negotiation and Agreement, which was established as a vehicle for direct negotiation, understanding, exchange of views, and presentation of proposals between the government and the opposition group known as the “Coordinación Democrática.” It was composed of six representatives of each side. The Group of Friends of Venezuela—consisting of representatives of the governments of Brazil, Chile, Mexico, Spain, and the United States—was also formed to support the efforts of the OAS Secretary General.

On May 29, the government and the opposition signed a new agreement, in which both parties agreed to resolve Venezuela’s political “impasse” through elections, applying the provisions established in the Venezuelan Constitution.

Besides the Venezuelan application, the Democratic Charter has helped establish guidelines for actions of the hemispheric community in Haiti—where the OAS has undertaken a series of actions to strengthen democracy and promote free, fair, and transparent elections—in accordance with the terms of resolution AG/RES 1841 (XXXII-O/02) of the General Assembly held in Barbados in June 2002.

The OAS—in both its political organ, the Permanent Council, and the General Secretariat—is strengthening its capability to apply the Democratic Charter to defend and promote democracy in the Americas. These efforts include disseminating of the Charter’s text, encouraging review and discussion of it, promoting education for democracy in the countries, (aimed particularly at children and youth), establishing programs to strengthen democratic structures and political-democratic leadership, supporting formalized political dialogue processes in the countries, and developing strategies to strengthen democratic governance in the region. The Charter should be used not only in times of democratic crises, but also as a guide and inspiration for strengthening all aspects of democracy.

CHALLENGES

The greatest challenge in this area is the application of multiple components of the Inter-American Democratic Charter to strengthen democracy in all facets. As the Secretary General said on the first anniversary of the Charter’s signing: “Our actions must surely go beyond passive application of the Charter precepts.” Considering the broad view of democracy, there are enormous challenges to its defense because there are so many areas where great progress must be made.

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“the Charter must be applied pro-actively, and call for a new political ethic, with stronger political parties and organizations facilitating anew the idea of “a state that is strong, effective and well-respected; a state with oversight, regulatory and control capabilities; a democratic and respectful state that guarantees the rights of everyone.” (Cesar Gaviria, OAS Press release)

...the Inter-American Democratic Charter is a clear signal, and warning, to those who seek to undermine the constitutional order of a member State, or subvert the essential elements of democracy, that they will be faced by a united and determined community of nations. (Address by the Secretary General, César Gaviria, at the protocolary session of the Permanent Council, on the first anniversary of the Democratic Charter, September 16, 2002)

Electoral Processes and Procedures

→ MANDATE

The Third Summit of the Americas called for strengthening hemispheric cooperation and sharing experiences, best-practices and technologies with respect to increasing citizen participation in electoral processes through voter education, the modernization and simplification of voter registration, as well as the voting and counting process. The Presidents and Prime Ministers also pledged to enhance electoral mechanisms and to deploy election observers when so requested, with support from the OAS and other agencies. Finally, the governments decided to convene, under the auspices of the OAS and IDB, meetings of experts to examine in more depth issues such as: political party registration, access of political parties to funding and to the media, and campaign finance.



The main objective of the EOM is to observe and report on the electoral process in the framework of the constitution and laws of the member state where the elections are being held.

Electoral observer missions (EOM) of the OAS are one of the key tools for promotion and consolidation of democracy in the Hemisphere. There have been an increasing number of country requests for electoral observer missions in recent years. This reflects the positive impact of these missions in promoting transparency and honesty in electoral processes, which has resulted in increased voter turnout. The missions—organized and carried out by the Unit for the Promotion of Democracy (UPD) of the OAS—respond to invitations from governments of the Member States of the Organization. The main objective of the EOM is to observe and report on the electoral process in the framework of the constitution and laws of the member state where

the elections are being held. OAS activities in the electoral sector have evolved from short-term missions to more systematic and extensive programs that embrace the whole electoral process: from monitoring campaigns to voter registration, and from casting and counting ballots to the verification of results by electoral officials.

In the effort to modernize and simplify voter registration and the voting process, there is an initiative to use electronic voting in several countries. One of the first to try was Brazil, and the result was increased turnout. The UPD has facilitated horizontal cooperation project between Brazil's Supreme Electoral Tribunal and Paraguay's Superior

Tribunal for Electoral Justice (TSJE). The project sought to transfer Brazil's experience in development and use of voting machines to Paraguay's TSJE. The initiative involved a pilot project in five Paraguayan municipalities in the elections of November 18, 2001. The experiment included the use of 172 voting machines used by 1.5% of the voting population. For the April 2003 presidential elections there were 6,000 electronic polling stations for an electorate of 1,140,000. As a result, procedures for vote counting and certification were expedited, making it possible to know the outcome within hours of the voting. (Preliminary report of the head of the OAS Technical-Electoral Monitoring Mission, Santiago Murray, to the Permanent Council, May 7, 2003)

Drawing on this experience, the OAS/UPD is expanding the program of horizontal cooperation between Brazil and the following countries: Ecuador, the Dominican Republic and Colombia.

In the area of electoral technical assistance, the OAS/UPD has provided assistance for modernization of computer systems to have precise statistics on the percentage of registered voters in the population, the average number registered by

ELECTORAL OBSERVER MISSIONS OF THE OAS
since the Third Summit of the Americas

COUNTRY	TYPE OF ELECTION	DATE
Nicaragua	Presidential and Legislative	November 4, 2001
Honduras	Presidential and Legislative	November 23, 2001
Nicaragua	Regional elections	February 2, 2002
Dominican Republic	Legislative	May 16, 2002
Colombia	Presidential	May 26, 2002
Bolivia	Presidential	June 30, 2002
Ecuador	Presidential	October 20, 2002
Peru	Regional and Municipal	November 17, 2002
Paraguay	Presidential	April 27, 2003
Argentina	Presidential	April 27, 2003
Guatemala	Presidential	November 9, 2003

precinct, the cost of election materials per voter, etc. (www.oea.rite.org).

The UPD has also designed the Inter-American Program of Electoral Technology (PITE), which will contribute to the holding of more modern, transparent, and efficient elections throughout the Hemisphere. The objective of the PITE is: to identify practices and technologies that are effective in the electoral area, to develop technological programs and services within the OAS itself, and to generate projects that permit horizontal cooperation and advisory services to electoral officials as requested.



The "election observer missions have been a guarantee of honesty, impartiality, and reliability in the electoral processes." (Secretary General's speech on the first anniversary of the signing of the Democratic Charter, September 16, 2002.)



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To fulfill the mandate on more meaningful debate on the question of political parties, the OAS/UPD—with the support of various organizations—has established the Inter-American Forum on Political Parties as a mechanism for dialogue between parties, social sectors, academicians, election officials, the media, and international cooperation agencies. The main objective is—through dialogue, exchange of experiences, and implementation of specific actions—to contribute to the process of strengthening and reforming political parties and party systems in the Hemisphere. Three annual meetings have been held in the framework of the Forum: the first in the United States in December 2001, the second in Canada in December 2002, and the third in Colombia in November 2003. These encounters are open to participation by stakeholders from different kinds of institutions and ideological persuasions in a climate of national, regional, and gender balance. The discussions have focused on three basic areas: campaign finance and political parties; new challenges to parties in the context of democratic governance; and the consideration of reform policies recently undertaken in countries and regions such as Canada, Guatemala, Bolivia, Brazil, Colombia, Peru,

and Central America. These initiatives include making a comparative analysis of campaign finance in the 34 countries.

The major hurdles to modernizing the electoral systems are obtaining economic resources to buy new and modern equipment, installing computer programs and applications, and training personnel in election offices. It will also be important for countries to make the necessary adaptations to the new automation technologies, such as implementing modern, and appropriate, laws to incorporate the technology into the electoral system and to facilitate voting.

In the area of political parties, it is necessary to reform and modernize the legal framework that governs the operation of political party systems. It is also necessary to improve the capability and efficiency of political parties for fulfillment of their functions—especially in governance—and to establish good relations between political parties, organized civil society, the media, the private sector, and the general public.

Transparency and Good Governance

→ MANDATE

The Heads of State and Government of the Americas acknowledged that effective, representative, transparent and publicly accountable government institutions are essential to ensure the sound administration of public affairs. With this in mind, one of the main mandates in this area is to establish cooperative ties among the respective national legislative bodies in the Hemisphere. This will enable the exchange of experiences concerning issues such as: public accounts, supervision of the collection, allocation and expenditure of public funds and management of and access to personal information held by governments. At the regional level, leaders encourage cooperation and the exchange of experiences among national legislators in the Hemisphere through mechanisms such as the Inter-Parliamentary Forum of the Americas (FIPA).

Compliance with the majority of these mandates is taking place through national initiatives. It should be pointed out that over the past few years many activities have been carried out among parliaments in the Americas that provide the opportunity for inter-parliamentary cooperation, and the exchange of experiences and best-practices. These activities include seminars such as that held in Brazil, entitled "Parliaments and the Control of Corruption: Political Challenges in Latin America", which resulted in the formation of a group called the Latin American Parliamentarians Against Corruption (LAPAC) and a roadmap for parliamentary action in the Americas on this issue.

Other activities worthy of mention include the Inter-Parliamentary Cooperation Meeting, held between representatives of the legislative branches of Venezuela and the United States, and the development of the

Regional Parliamentary Strategy in the Fight Against Terrorism, which will outline the main activities, commitments, and agreements to be carried out by legislative bodies in order to strengthen joint parliamentary action and combat terrorism. In addition, the Forum of Presidents of the Legislative Branch of Central America (FOPREL) drafted a regional legislative action plan against terrorism, the objective of which is to harmonize existing legislation and draft new legislation against terrorism. Finally, the Andean Parliament and the Parliamentary Commission of Mercosur have made efforts to promote legislative modernization and to harmonize and adopt regulations on issues of common interest.

At the inter-American level, support was provided for the Inter-Parliamentary Forum of the Americas (FIPA). The objective of FIPA is to create an environment that enables legislators within the Hemisphere to share



The Chair of the Inter-Parliamentary Forum of the Americas (FIPA), Senator Hervieux-Payette, acknowledging, on behalf of FIPA, the contribution made by the Secretary General of the OAS to strengthening the role of the legislative branch in the Americas – October 2003

experiences and best-parliamentary practices designed to bolster the role of the legislative branch in furthering democracy and integration. Since being established, FIPA has held three meetings: the first in Canada in March 2001, the second in Mexico in March 2002 and the third in Panama in February 2003. FIPA has set up a working group dedicated to the FTAA negotiating process and another on terrorism. As well, FIPA has created a Virtual Parliament, where legislators in the Americas can debate issues and exchange information concerning legislative matters. The Virtual Parliament provides

tools, information and training services, and conducts virtual meetings among parliamentarians from different countries. Through the Unit for the Promotion of Democracy (UPD), the OAS has provided technical support to FIPA's executive bodies and working groups, and initiated the first phase of the Virtual Parliament (www.e-fipa.org). FIPA's main challenge is to consolidate and strengthen the virtual parliament as a method for increasing citizen participation. The legislative branch is an essential component of democracy and FIPA is contributing to strengthen it.

Media and Communications

→ MANDATE

At the Third Summit of the Americas, the components for developing democracy were dealt with separately, and one of the themes discussed was that of Communications Media. As outlined in the Quebec City Declaration, the media play a major role in promoting democratic culture, and should be free of arbitrary interference from the State. In the light of this declaration, improving the access of individuals to current and new information technologies will play a predominant role in promoting a democratic culture.



With respect to State interference, and restrictions placed on journalists and communications media owners, the media in Latin America continue to be the object of attacks against their freedom. These attacks take the form of violations, threats, assassinations with impunity (between October 1988 and December 2002, some 263 journalists have been assassinated), as well as the failure to protect journalistic sources. In an effort to come to grips with this reality, governments and civil society organizations, among others, have worked together to find ways to combat such attacks. For example, at the 59th General Assembly of the Inter-American Press Association (IAPA), held from October 10 – 14, 2003, the IAPA

announced that progress had been made for the first time in years: by eliminating the impunity of those responsible for crimes against journalists by prosecuting them in the courts, and by training journalists to avoid risks.

Nevertheless, the communications media face immense challenges. Although new technologies have provided many communities in the Hemisphere with better access to information and more contact with the outside world, thereby increasing their standards of living. Despite this progress, however, many of these same communities do not have the necessary resources to continue developing in this area.

Fight against Corruption

→ MANDATE

The Hemisphere governments recognize that corruption gravely affects democratic political institutions and the private sector, weakens economic growth and jeopardizes the basic needs and interests of a country's most underprivileged groups. In the Action Plan of the Third Summit of the Americas, the Hemisphere countries agreed to consider signing, ratifying, or acceding to—as soon as possible and as the case may be—the Inter-American Convention Against Corruption, in accordance with their respective legal frameworks, and to promote effective implementation of the Convention. They also decided to support, as soon as possible—taking into consideration the recommendation of the OAS—the establishment of a follow-up mechanism for the implementation of this treaty by States Parties to this instrument; and to strengthen the Inter-American Network of Institutions and Experts in the Fight Against Corruption—in the context of the OAS—as well as initiatives aimed at strengthening cooperation among officials responsible for enforcing codes of conduct and members of civil society.

The Inter-American Convention Against Corruption seeks to promote and strengthen cooperation among the States Parties and develop necessary mechanisms to prevent, detect, punish, and eradicate corruption. The Convention was adopted by the States Parties on March 29, 1996, in Caracas, Venezuela, and thus far has been signed by 28 countries and ratified by 29 of them.

Shortly after the Third Summit of the Americas, and pursuant to its mandates, the countries that had ratified the Convention met in Buenos Aires, Argentina, from May 2 to 4, 2001, to establish the Follow-up Mechanism for the Inter-American Convention Against Corruption, specified in the Summit

Action Plan. The mechanism enables OAS member States that have ratified the Convention to promote its implementation, contribute to the attainment of its objectives, follow-up on the commitments made in it, and facilitate technical cooperation, including the exchange of information, experiences, best-practices, and concordance of legislation.

The first review round of the mechanism started in 2002. So far the Committee of Experts of the Mechanism for Follow-up of Implementation of the Inter-American Convention Against Corruption has had four regular meetings. During last year's meetings, the Committee of Experts established the rules of procedure and the methodology for



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Mexico is a leader in the region when it comes to implementation of anti-corruption measures, as shown by its new laws, such as the one that governs the administrative responsibilities of civil servants, and the federal law on freedom of information in the public domain.

To combat this scourge there must be a change in the collective attitude, as well as a strengthening of institutions to make them more transparent and efficient.

the review process, as well as the timeline and other technical details of the process. It also negotiated and adopted the questionnaire that would be used to collect the information that will serve as the basis for reviewing each country. This year the Committee of Experts began the review procedure with considera-

tion and approval of the report on Argentina, which was approved during the Committee's third regular meeting, held February 10-13, 2003. During the Committee's fourth regular meeting, held July 14-18, 2003, it reviewed and approved final reports on Colombia, Nicaragua, and Paraguay. The review procedure is accomplished by experts appointed by each State Party of the Mechanism represented on the Committee. During the process, representatives of civil-society organizations had the opportunity to meet with members of the Committee of Experts and present pertinent information for its consideration.

Even before adoption of the mechanism, the OAS has been actively involved in technical cooperation, especially activities to support implementation of the Convention in domestic legislation. For example, the OAS has undertaken activities in countries such as the Dominican Republic, Barbados, St. Lucia, Brazil, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Suriname, Belize, and countries of the Eastern Caribbean to review domestic legislation, and consider reforms that might be needed, to ensure that it accurately reflects the principles and standards established in the Inter-American Convention Against Corruption. Likewise, the World Bank has been actively working to encourage institutional reforms to combat corruption in the region, as shown in its recent work in Honduras and Guatemala. For its part, the Inter-American Development Bank (IDB)

approved a grant of US\$1,230,000 in June 2001 to help Argentina, Bolivia, Brazil, Chile, Ecuador, Peru, Uruguay, and Venezuela establish and strengthen Financial Intelligence Units to uncover money laundering operations. (World Corruption Report 2003—Transparency International)

The Technical Secretariat for Legal Cooperation Mechanisms of the Assistant Secretariat for Legal Affairs of the OAS General Secretariat established the Inter-American Anti-corruption Network, whose web page on the Internet carries timely and accurate information for the general public on OAS developments, decisions, and activities in the fight against corruption.

Among actions taken to guarantee access to information, we should note the "Freedom of Information Act," approved in June 2002, and the "Public Administration Transparency Act," approved in Panama in December 2001. We should also mention the new e-government initiatives throughout the region as a tool for bringing greater transparency to contracting and public bidding. For examples, consult the websites in Brazil (www.comprasnet.gov.br), Chile (www.compraschile.cl) and Colombia (www.gobier-noenlinea.gov.co).

Responsibility for preventing and combating corruption lies with the governments as well as the legislative and judicial branches. The battle against corruption can only be won with the "shared commitment" of all sectors of society. To combat this scourge there must be a change in the collective attitude, as well as a strengthening of institutions to make them more transparent and efficient. It will only be possible to effectively and decisively defeat corruption if there is an effective implementation of the recommendations from the review rounds, and support by member States for the Convention and its Follow-up Mechanism.

Empowering Local Government

→ MANDATE

At the Third Summit of the Americas, Heads of State and Government pledged to facilitate citizen participation in public life, particularly in local or municipal governments. In this respect, Governments supported the OAS's Program of Cooperation in Decentralization and Local Government.

The leaders also promoted the development, autonomy, and institutional strengthening of local governments, as well as the exchange of information and best-practices among local government functionaries, associations of municipalities, community associations, and citizens in general.

They also decided to hold a meeting in Bolivia, attended by ministers and/or other high-level authorities responsible for policies on decentralization, local government, and citizen participation at the municipal level.

Decentralization and the strengthening of regional and municipal administrations have taken on importance as instruments for reinforcing democracy and improving public administration in the Hemisphere, as well as for dealing with challenges such as globalization and equitable territorial development. The processes—and the results—have varied from country to country, but are generally positive. They include major advances, such as: the desire to continue developing the processes, efforts to improve regulatory frameworks, the development of decentralization methodologies, innovations in public administration and the provision of services, the development of new axes of economic and social development, an increase in citizen participation at the local level, the incorporation of citizens into the decision-making process, and exchanges on successful experiences, among other achievements.

The high-level meeting approved by the leaders was convened by the OAS in La Paz, Bolivia, from July 29 – 31, 2001, initi-

ating a process of hemispheric co-operation, as well as systematic follow-up by the Organization in order to implement the mandate in this area. In Bolivia, States agreed on the Declaration of La Paz on Decentralization and Strengthening Regional and Municipal Administrations and Participation of Civil Society. The Declaration established the High-Level Inter-

There have been advances in new e-government initiatives in order to improve transparency in contracting and public expenditures.



“Decentralization (is an) instrument for strengthening democracy and consolidating economic and social development in Latin America”
César Gaviria, Secretary General of the OAS



American Network on Decentralization, Local Government and Citizen Participation (RIAD) (www.upd.oas.org/riad) as an Inter-American mechanism for cooperation on these issues, and as an instrument for exchanging information and best-practices among all stakeholders.

The process initiated in La Paz was moved forward at the Second Meeting of Ministers and High-Level Authorities Responsible for Policies on Decentralization, Local Government, and Citizen Participation at the Municipal Level in the Hemisphere, held from September 24-26, 2003, in Mexico City, Mexico. This meeting produced the “Mexico City Plan of Action on the Decentralization and Strengthening of Regional and Municipal Administrations and Citizen Participation.” The Plan of Action establishes strategic guidelines and priority areas for action over the next two years; it also calls for the creation of a Financial and Technical Support Group to be coordinated by the RIAD Technical Secretariat, with the objective of ensuring

resources for the Plan of Action. The Third Ministerial Meeting on this issue will be held in Brazil in 2005, with the objective of evaluating progress in the implementation of the Plan of Action. It should be pointed out that the Unit for the Promotion of Democracy within the OAS General Secretariat (UPD/OAS) was designated as Technical Secretariat of the process initiated in La Paz. The UPD provides technical support to the ministerial meetings of the RIAD; it is also implementing a Program of Support for Decentralization, which involves activities such as forums, seminars, technical co-operation, publications and training. An example of such program activities is the concluding of a non-reimbursable Technical Cooperation agreement in the amount of \$US 100,000 on April 15, 2002, with the Inter-American Development Bank; this agreement will be implemented by the UPD/OAS.

Among the challenges posed by the processes underway are the need to: continue fine-tuning juridical and institutional frameworks, pay attention to the macroeconomic risks of decentralization, ensure integral processes and the transfer of resources in accordance with assigned tasks, exchange information and best-practices in areas such as decentralization methodologies, pay attention to the political dimension of decentralization, as well as ensure collaboration and consensus-building in the design, implementation and sustainability of these processes. Similarly, it is essential to: ensure coordination among the technical cooperation and financing agencies, make appropriate use of new information and communication technologies as tools for coordination and interaction, and strengthen the capacity of national agencies to plan, design, coordinate, implement, supervise, monitor and adjust decentralization policies and strategies. Empowering RIAD as an instrument for hemispheric exchange and collaboration is key, as is the network’s involvement and ongoing dialogue with other stakeholders in the decentralization process.