

CONFLICT BETWEEN THEORY AND PRACTICE:  
THE ORGANIZATION OF AMERICAN STATES

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ABSTRACT

The Organization of American States (OAS) is a regional multilateral organization made up of the sovereign states of the Western Hemisphere. The author describes its charter, organization and history, then focuses on pathbreaking efforts to support democracy that were subsequently severely hampered by lack of resources, political conflicts, and the disengagement of key members, especially the United States. He then analyzes the three organizing concepts of the OAS and of international organization more generally: multilateralism, geography and sovereignty, and finds each of them challenged by contemporary developments. He concludes that *multilateralism* remains essential and that *geography* and *neighborhood* still matter, but that *sovereignty* should be understood as setting the terms for working with others, rather than as a basis for rejecting cooperation. To maintain sovereignty, countries must deal with the outside world, their neighbors perhaps most of all. And all – small and large, large and small – must contribute their share.

**Keywords:** Democracy, Multilateralism, Organization of American States, Regionalism, Sovereignty.

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The OAS is made up of the sovereign countries of the Western Hemisphere. It is the world's oldest regional organization, dating to 1889-1890, when eighteen States of the Western Hemisphere founded the Interna-

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tional Union of American Republics to exchange commercial information. This initial technical mandate gradually expanded, aided by Franklin D. Roosevelt's Good Neighbor policy, which accepted the sovereign equality of states and non-intervention in their internal affairs. In the aftermath of the Second World War, a new OAS Charter was adopted, whose preamble declared, rather grandiloquently, but capturing an ideal dating from the European discovery of the Western Hemisphere, that "the historic mission of America is to offer to man a land of liberty". The founding states of the OAS were twenty-one: the countries of Central and South America plus Cuba, the Dominican Republic, Haiti, Mexico and the United States. Canada and the newly independent countries of the Commonwealth Caribbean gradually joined between 1967 and 1991, bringing the total to thirty-five. OAS headquarters are in Washington, D.C., in a beautiful building donated primarily by Andrew Carnegie. Sixty-eight states from outside the hemisphere, the Vatican and the European Union are permanent observers. Spain, France, and Italy maintain observer missions headed by Ambassadors.

In keeping with the Charter's emphasis on the sovereign equality of states, all OAS members have the same formal powers. Like the United Nations, every state has one vote. Unlike the United Nations, there is no Security Council and no veto. Policies are set by an annual General Assembly of foreign ministers. Between Assemblies, policies are set by a Permanent Council made up of national representatives with the rank of Ambassador. Agreement is facilitated by relatively small numbers (35 compared to 193 at the U.N.). Nonetheless, the absence of veto provisions and extreme member diversity put a premium on consultation, traditionally managed through sub-regional coordination. A Secretary General and an Assistant Secretary General from different sub-regions are each elected for five-year terms to administer a General Secretariat whose functions are described as "promoting democracy, defending human rights, ensuring a multidimensional approach to security, fostering integral development and prosperity, and supporting Inter-American legal cooperation".

An "Inter-American System" loosely coordinated by the OAS includes the Pan American Health Organization, the Inter-American Juridical Committee, the Pan American Institute of Geography and History and the Inter-American Commission of Women, the first international body dedicated to the advancement of women, all of which had come into being before the second World War. The Inter-American Defense Board and the Inter-American Institute for Cooperation in Agriculture came in 1942. 1959 saw the formation of the Inter-American Commission on Human Rights and the Inter-American Development Bank. The Inter-American Drug Abuse Control Commission was founded in 1986. Since the 1990s, ministers for

domestic affairs – education, justice, labor, trade, science and technology, security – also meet under OAS auspices. Set forth this way, the Inter-American System seems a true *engranaje*, a set of gears that meshes countries and interests, from democracy and human rights to development and security.

The OAS, however, is an organization of governments, and – despite the substantive and institutional variety of its numerous entities and activities – of governments represented through their foreign ministries. This has important consequences. One is that the capacity of foreign ministries to represent their entire government varies greatly from country to country and issue to issue. And since foreign ministries are part of the executive branch, they naturally tend to influence OAS bodies to side with executive authorities when they come into conflict with legislatures and courts. Importantly also, non-governmental actors and other civil society representatives participate only to the extent each member state allows.

The Inter-American Commission on Human Rights is an important exception. Unlike the United Nations, whose Human Rights Council is made up of governments, Inter-American Commission members are elected individually and serve in their own right rather than as representatives of their countries. The Commission helped keep liberal democratic values alive during the quarter century of authoritarian governments that dominated Latin America from the 1960s to the 1980s.

The place of military institutions in the Inter-American System is also unique – partly because it has never been fully clarified. Unlike Chapter VII of the U.N. Charter, the OAS Charter conveys no coercive authority. Indeed, the 1948 OAS Charter did not explicitly incorporate the 1947 Inter-American Treaty of Reciprocal Assistance (the Rio Treaty), which served as the precedent for NATO and its Article 5 commitment to mutual defense. The Inter-American Defense Board was recognized as an OAS entity only in 2006, and its most important activity is educational, the Inter-American Defense College. As happened in Haiti after 2004, peace-keeping operations in the Americas go to the U.N. by default.

From the 1950s through the 1980s, OAS activities were marked by tension between U.S. fears about Communist penetration and Latin American fears of U.S. intervention and desires for economic support. The 1954 covert intervention by the United States in Guatemala went largely unchallenged at the OAS but pressures arising from the intervention led the United States to agree to the creation of the Inter-American Development Bank. Fear of the Cuban revolution provided the impetus for the Alliance for Progress, facilitating a 1962 resolution excluding the then government of Cuba from the OAS. The Alliance for Progress, however, gradually foundered on differing perceptions and lack of resources. In 1965, the OAS supported the U.S. invasion of the Dominican Republic after the fact, but this became the last

time the OAS would approve any form of military intervention. In 1979, OAS Ministers rejected a U.S. proposal for a peace force in Nicaragua, and the OAS was largely marginalized from the Central American conflicts that followed, with peace efforts falling to *ad hoc* sub-regional groups. U.S. failure to back Argentina against the United Kingdom in the 1982 Falklands/Malvinas war was interpreted regionally as a repudiation by the United States of its Article 5 obligations under the Rio Treaty. The OAS was again sidelined when the U.S. invaded Grenada in 1983 and Panama in 1989, and yielded to Brazil, Argentina, Chile and the United States in the settlement of the Ecuador-Peru war of 1994-1995. Despite these setbacks, the OAS did play an important role in resolving other disputes, including the fighting between El Salvador and Honduras in 1969 and gathering the hemisphere's heads of state in Washington to act as guarantors for the Panama Canal treaties in 1977.

The 1990s brought what at first seemed like an ideal reset for the OAS. The Old World's negative influences declined as the authoritarian example of Franco's Spain came to an end and the Soviet Union collapsed. The United States called for a new world order. In Latin America, the Central American conflicts came to an exhausted end and *de facto* military regimes everywhere were yielding to democratic processes. By 1991, when the General Assembly met in Santiago, Chile, all of the governments represented there could claim some form of democratic legitimacy. General Assembly Resolution 1080 authorized collective response to "sudden or irregular interruption" of democratic processes. Haiti, Peru and Guatemala, among others, subsequently felt the sting of regional disapproval. In 1993, the OAS Charter was amended to allow the suspension of a member whose democratically constituted government had been overthrown by force. Electoral observation and concern for human rights, often driven by NGOs, became the core of the organization's activities and public image. In 1994, heads of state and government met at a summit in Miami and agreed to negotiate a Free Trade Area for the Americas. 2001 brought the adoption of a new region-wide "Democratic Charter".

Article 3 of this Charter stipulates that the

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 [...] the pluralistic system of political parties and organizations, and the separation of powers and independence of the branches of government.

This provision is powerful, even unique, in its specificity. The United Nations charter, for example, does not contain even the word “democracy”. Without the OAS, the development of common ground to advance democratic practices could never have taken place.

But principles, however noble, must still be put into practice.

Innumerable crises and five summits later, positive expectations have not been realized. Venezuela’s evolution has split OAS membership into intractable camps. There is controversy over the meaning of democracy, the value of free trade, and the future of the OAS. The Inter-American System is becoming skeletal, fragmented by lack of common purpose and crippling reductions in resources from member states. In 1991, Resolution 1080 called for pressure against undemocratic actions, but it also called for “incentives to preserve and strengthen democratic systems, based on international solidarity and cooperation”. What actually happened, however, is that resources available to the OAS regular fund have been cut in real terms by more than 25% since it was given the mandate to support democracy.

Today, almost a generation since the adoption of the Democratic Charter, there are few shared definitions, little solidarity, and no resources for institutional support and development. The underpinnings of democracy must include effective public administration, public education, and other human and organizational underpinnings of democracy, such as independent and transparent electoral and judicial systems and a free press. Domestic arrangements cannot as a rule be determined from the outside without violent intervention, but I am convinced that the Venezuelan tragedy would have developed differently had Resolution 1080 and the Inter-American Democratic Charter led to an effective multilateral support system with incentives as well as sanctions – as intended when adopted.

So, where next?

Gaps between theory and practice, between promise and performance, have many sources.

This is of course a bad time for international organizations everywhere. Throughout the world, national governments are hampered by nationalist angers, information overloads, and mass migrations that challenge social identities. Changes in technology and in the elements and loci of power add to the disruption.

These difficulties have also led to the decay of the fundamental organizing concepts of international cooperation.

The OAS is an excellent example. The OAS is a multilateral organization of the sovereign states of the Western Hemisphere.

This simple definition combines *three concepts*.

- *Multilateralism*, which means “generalized principles of conduct” – the creation of predictable universal or at least regionally common rules rather than a temporary coalition of a few countries on a specific problem.
- *Geography*, as in the proposition that “the peoples of this [Western] Hemisphere (or any other region) stand in a special relationship to one another which sets them apart from the rest of the world”.
- *Sovereignty*, the sovereign equality of states, the organizing principle of the international system since the 1648 Peace of Westphalia.

Today, in 2019, all three concepts are operationally challenged.

*Multilateralism* is associated with inefficiency more than order. International law has been weakened by repeated failures to ratify treaties or abide by their obligations. A cynic might argue that *multilateralism is now just an idealistic illusion in an increasingly Hobbesian dog eat dog world*.

Does *geography* still matter in the age of the jet and the internet? In 1889-1890, many in the Americas felt they were building a New World, removed from the Old. Today it is not an exaggeration to say that regional pride has been victimized by the new technologies of globalization. Even at local levels, it seems, fragmentation has often replaced integration and community.

Most critically, *Sovereignty* has long meant that individual states are to be inviolate from outside intervention and free to decide whether or not to participate in any particular activity. This is particularly important in the Americas, where the great and asymmetric power of the United States in relation to its neighbors has a long and sometimes bitter history.

That multilateralism and geography still matter is evident in the fact that climate change, illegal drugs, migration and arms trafficking – to take just a few examples – cannot be addressed by any one state alone. Such problems do, of course, also create domestic pressures and these can in turn make international cooperation more difficult. The rise of non-governmental actors, the organizational and informational impact of new technologies and the expression of previously suppressed grievances, the decline of programmatic political parties, the risks of terrorism and opportunities for foreign meddling – all increase the difficulties governments face in making decisions. But these difficulties do not make multilateral understandings any less relevant. If anything, they make multilateralism even more important than in the past.

For the OAS, a critical question is how will the United States pull its weight? U.S. gross domestic product is more than double that of the other thirty-four OAS members combined. This overwhelming concentration

of wealth in the United States is an unspoken obstacle to regional cooperation. Many in the hemisphere see the United States as self-interested and unreliable, a Gulliver focused on extending and legitimizing its power. U.S. leaders tend to see their neighbors as Lilliputians using multilateralism as a form of trade unionism of the weak. Such great asymmetries in power and perception breed distrust, in the United States as well as in its neighbors. Recent U.S. inaction – not ratifying treaties and often being an absentee in regional discussions, can be as debilitating as the more overt interventions of the past. Still, the OAS is the only forum that brings the United States together with the rest of the hemisphere in a setting dedicated to the harmonization of national practices into international law. But will the U.S. listen?

Returning to basic concepts, the most important is to rethink sovereignty.

Europe suffered through two world wars fought in the name of sovereignty, nationalism, even autarchy. As the first World War ended, my grandfather, Luigi Einaudi, wrote:

We must abolish the dogma of perfect sovereignty. [...] The interdependence of free peoples, not their absolute independence, is the truth. [...] A state isolated and sovereign that can survive on its own is a fiction, it cannot be reality. Reality is that states can be equal and independent among themselves only when they realize that their life and development will be impossible if they are not ready to help each other.<sup>1</sup>

Clearly, however, sovereignty cannot be reduced to an obsolete aspiration from a predigital age. Yet in today's globalized and interdependent world, sovereignty's first line of defense should not be understood as non-intervention, but as cooperation, working with others, best expressed as mutual engagement or *engranaje*, a meshing of gears to make the world turn better than it would otherwise.

So here is my final point: *The world needs laws and relationship-building, not walls or nation-building*. Armies and barriers are important, but are less effective under most circumstances than relationships built on respect and shared rules. Relationships need to be developed, and rules need to be negotiated. In this, people, as well as resources, are critical.

Governments often lack personnel with the expertise to reconcile national interests that differ. A multilateral Academy of Public Administration, with students nominated by the member states to study a broad curriculum, would over time produce a network of professionals who know

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<sup>1</sup> "Il dogma della sovranità e l'idea della Società delle nazioni", *Corriere della Sera*, 28 dicembre 1918.



how to work together to contain issues that might otherwise degenerate into quagmires of missed opportunities or even escalate into conflict. Having officials that understand how to cooperate without sacrificing sovereignty would be an insurance policy for progress and peace, providing a unique foundation for a safe neighborhood.

Times have changed, but some old truths still apply. *Geography* and *neighborhood* remain key cultural references. *Multilateralism* is a prerequisite to develop the frameworks for cooperation needed on the increasing number of matters affecting daily life. *Sovereignty* still expresses national pride. The new truth, however, is that, unlike the past, individual states can no longer retreat, like Voltaire, to cultivate their separate gardens. To take care of ourselves and advance our national interests, we must also deal with the outside world, our neighbors perhaps most of all. And all – small as well as large, large as well as small – must contribute their share. Or, to quote Luigi Einaudi again, writing this time as President of Italy,

The necessity of unifying Europe is obvious: states as they exist are but smoke without fire [...] The choice is not between independence or unification but between existing united or vanishing.<sup>2</sup>

## REFERENCES

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