

Threats to Democracy: Prevention and Response

Report of an Independent Task Force

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FOREWORD

Since the end of the Cold War, an unprecedented number of countries—including developing countries—have chosen democracy as their preferred form of government. While this is no small victory for advocates of democracy from around the world, we are continually reminded in today's uncertain global environment that the work of the international community of democratic states does not end when a people choose the path of democracy. Democratic governments must also endeavor to help one another to nurture and maintain the health of their democracy and democratic institutions.

Both new and established democracies face an array of obstacles. The first steps on the path to democracy are neither quick nor easy, and maintaining democracy, even for countries with a long-standing democratic tradition, requires education, sustained vigilance, and active support. Helping countries stay on this path is not only consistent with the values of democratic states but also with their security. Democratic states are less likely to breed terrorists or to be state sponsors of terrorism. They are less likely to go to war with one another or to create or tolerate humanitarian crises that produce refugee flows and demands for international action. Democratic states are also more likely to be active participants in the global economy. Only by showing the citizens of nondemocratic countries that democracy is both beneficial and sustainable over the long term do we really encourage democracy to take root and grow.

Earlier this year, I spoke with two very special, internationally renowned figures—former U.S. secretary of state Madeleine K. Albright and former Polish foreign minister Bronislaw Geremek—about chairing an independent Task Force that would make recommendations to the international community about how to better protect democracy in states that have chosen the democratic path. Drs. Albright and Geremek each have a long history of democracy work. They were central in launching the June 2000 inaugural meeting of the Community of Democracies, a group of nearly one hundred nations that are working to develop a framework for global cooperation to help democracies deepen and sustain their freedom.

Secretary Albright and Professor Geremek agreed to co-chair this Task Force and were joined by an extraordinary group of leading civil society, academic, and former government figures from Africa, Asia, Australia, Europe, Latin America, and the Middle East. The Task Force has now produced an important report that lays a conceptual groundwork for the better

coordination of international community responses to threats to democracy in the form of coups, auto-coups (when democratically elected leaders override the democratic process), and the erosion of democracy and democratic institutions.

The report concludes that once the people of a state have chosen democracy as their preferred form of government, other democracies have both the right and duty to help those people maintain their democracy when it is threatened from at home or abroad. The Task Force holds that the more certain the prospect of international response, the stronger the deterrent for those who would plot and join coups or erode democracy and democratic institutions. The report then presents a set of preventive and responsive measures for states and organizations to implement.

The Task Force calls on the Community of Democracies, both at the ministerial and nongovernmental levels, to play a central role in securing the objectives laid out in this report. The members of the Task Force hope their work will be reflected in the deliberations of the second ministerial meeting in Seoul, Korea, and will be used as the basis for further examination of these issues at the next Community of Democracies meeting in Santiago, Chile, in 2004. Their diverse array of regional perspectives and backgrounds has already ensured that the report will serve as a good basis for further international discussion.

My deepest appreciation and admiration goes to Secretary Albright and Professor Geremek for their leadership on this critical issue. I am also grateful to Morton H. Halperin, the Task Force Director, for his creativity, intellectual integrity and ability to get the job done. My thanks also go to Associate Director Elizabeth Frawley Bagley, for her superb contributions, and to Research Associate Mirna Galic, for her dedication and professionalism throughout this project.

Leslie H. Gelb
President
Council on Foreign Relations

ACKNOWLEDGMENTS

This report springs from the belief that once the people of a state have chosen democracy as their preferred form of government, it becomes both the right and duty of other democracies to help those people maintain that democracy when it is threatened from at home or abroad. We are fortunate to have had as Task Force co-chairs Madeleine K. Albright and Bronislaw Geremek, two of democracy's principal champions and two formidable minds. With their leadership and experience, they guided the Task Force through complex discussions and forged a consensus document from the diverse perspectives and backgrounds of Task Force members from five continents.

The Task Force was comprised of an exceptional group of people from eleven countries, who navigated a difficult subject matter with thoughtfulness, creativity, and drive. We are tremendously grateful for their intellectual contribution, their commitment, and their willingness to submit to long hours of travel and countless electronic communications to produce this report. We are grateful also for the contributions of a number of outside individuals who gave their time and support to the Task Force. Esther Brimmer of the Johns Hopkins University School of Advanced International Studies; Ken Gude of the Center for National Security Studies; Christopher Fomunyoh of the National Democratic Institute; Rubén M. Perina of the Unit for the Promotion of Democracy of the Organization of American States; Theodore Piccone of the Democracy Coalition Project; Charles Sampford of the Key Center for Ethics, Law, Justice and Governance of Griffith University; and Brian D. Tittmore of the Inter-American Commission on Human Rights acted as consultants to the Task Force, contributing to the text of the report and producing an important set of papers that flesh out and complement the issues discussed in the report. We appreciate deeply their dedication and insights, as well as their patience with our demanding timeline. In addition, Joseph Siegle of the Council on Foreign Relations lent his time and expertise during the drafting of the report, and Robert Herman of the Democracy Coalition Project was pivotal in ensuring the Task Force's participation in the Nongovernmental Forum of the Community of Democracies meeting in Seoul, Korea.

This report would not have been possible without the talents of Mirna Galic of the Council on Foreign Relations, who coordinated the work of the Task Force and was instrumental in the drafting of the report. We would also like to thank our respective staffs, especially Helen

Lawing and Ana Luz, and the co-chairs' staffs, particularly James O'Brien of the Albright Group LLC and Ewa Stolarczyk of Professor Geremek's office, for their generous assistance. We are grateful, in addition, to Lee Feinstein of the Council on Foreign Relations, for his support throughout the process.

The Task Force was supported by grants from the Foundation Open Society Institute (Zug), the Open Society Institute, the Rockefeller Brothers Fund, and the William and Flora Hewlett Foundation.

Morton H. Halperin
Elizabeth Frawley Bagley

EXECUTIVE SUMMARY

Threats to democracy—erosions of democracy and democratic institutions and unconstitutional interruptions to the democratic process—continue to plague countries on the path to democracy. Democratic governments, both individually and in their capacity as members of the Community of Democracies, regional and international organizations, and international financial institutions, must secure more effective international action against threats to democracy in states that have chosen the democratic path.

International involvement in situations where democracy is threatened has become increasingly common over the past decade, driven by the growing recognition that once the people of a state have chosen democracy as their preferred form of government, it becomes the right and duty of other democracies to help those people maintain their democracy when it is threatened from at home or abroad. Despite a number of successful cases, however, the efforts of the international community are poorly coordinated and often work at cross-purposes.

Aware of this, the Convening Group of the Community of Democracies held a ministerial panel at the first Community of Democracies meeting in Warsaw, Poland, in June 2000, which called for a group of experts to analyze what could be done to protect democracies from ills such as coups, other unconstitutional interruptions of the democratic process, and erosions of democracy and democratic institutions.

With this in mind, the members of the Independent Task Force on Threats to Democracy undertook to create a conceptual framework for the coordination of international community action against such threats to democracy. The resulting Task Force report aims to facilitate a quick, unified response by democratic states. The report makes recommendations in four areas: preventive actions, responsive actions, actions for restoring democracy, and actions for securing individual responsibility for threats to democracy.

Preventive Actions

The preventive actions suggested in the report are based on the idea that strong democratic institutions are the key to minimizing threats to democracy. The Task Force urges participants in the Community of Democracies, both individually and as members of international organizations and financial institutions, to help democracies strengthen their political institutions and culture

and their democratic values and practices. The recommendations for preventive actions aim to help organizations and states build capacity to respond to threats quickly and in an organized, coordinated manner by outlining mechanisms that can be used to resist or roll back such efforts.

Responsive Actions

The responsive actions recommended by the report map out a quick, coordinated response that allows the international community of democratic states to speak with one consistent voice to coup leaders. The members of the Task Force call on relevant regional organizations to take the lead on responding to threats to democracy where possible, and they urge the Community of Democracies to coordinate other organizations and countries in complimentary action. The members of the Task Force also urge the Community of Democracies to take the lead in first response when regional organizations are unwilling or unable to act. The report recommends measures to strengthen the infrastructure of the Community of Democracies to enable it to play a coordinating and monitoring role.

Restoring Democracy

In addition to their recommendations for preventive and responsive actions, the members of the Task Force recommend steps to be taken in rare cases when democracy and the constitutional order cannot be restored in the wake of a coup by restoring an elected leader – for example, when the coup has overwhelming domestic support. The Task Force members caution that whether or not a return of the ousted democratic government is possible must be decided by consensus between an ad hoc group of participants of the Community of Democracies and key governments and international and regional organizations. For cases in which such a decision is reached, the Task Force members recommend that a set of criteria for a return to democratic governance be imposed on the coup leaders before they are given any degree of international recognition.

Securing Individual Accountability

While most democracies have laws prohibiting unconstitutional interruptions of the democratic process, there is no such international law. As a result, the Task Force members call on democracies to cooperate in enforcing each others' domestic laws against threats to democracy.

In addition, the Task Force members suggest that democratic governments explore the idea of establishing unconstitutional interruptions of democracy as crimes under international law.

TASK FORCE MEMBERS

MADELEINE K. ALBRIGHT served as U.S. Secretary of State from 1997–2001. From 1993–97, Dr. Albright served as the U.S. Permanent Representative to the United Nations and as a member of President Clinton’s cabinet and National Security Council. Dr. Albright is the founder of the Albright Group LLC, a global strategy firm. She is the first Michael and Virginia Mortara Endowed Distinguished Professor in the Practice of Diplomacy at the Georgetown School of Foreign Service and the first Distinguished Scholar of the William Davidson Institute at the University of Michigan Business School. She is also the Chairman of the National Democratic Institute for International Affairs, Chair of the Pew Global Attitudes Project, and President of the Truman Scholarship Foundation.

GENARO ARRIAGADA was the National Director of the “NO” Campaign that defeated General A. Pinochet in the plebiscite of October 1988. He was Minister, Secretary General of the Presidency from 1994 to 1996 and Ambassador to the United States in 1998 and 1999. Currently, Mr. Arriagada is a Member of the Board of Banco del Estado de Chile and Chairman of the Board of “Siete +7,” a leading Chilean weekly newspaper.

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Note: Institutional affiliations are for identification purposes only.

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ABDUL KARIM EL-ERYANI served as Prime Minister of the Republic of Yemen 1980-1983 and 1998-2000. After completing his education, he returned to his home country in 1968 and went on to hold several ministerial posts. He is currently a political advisor to the president of the Republic of Yemen.

BRONISLAW GEREMEK is a scholar of medieval European history, especially that of France and Poland. He served as the Foreign Minister of Poland from 1997 to 2000. Professor Geremek is a member and co-founder of the Union of Freedom, a founding member of Solidarity’s Independent Self-Governing Trade Union and served as a member of the Sejm (lower chamber of the Polish Parliament) and chairman of the Sejm Foreign Affairs Committee from 1989–2001. He is a member of many prestigious organizations and associations and is the recipient of numerous prizes including the Légion d’Honneur, the Grosses Verdienstkreuz mit Stern des Verdienstordens der Bundesrepublik Deutschland, the Ordre National du Mérite, the Karls Preis, the Orden Pour le mérite für Wissenschaften und Künste, and the Grand Prix de la Francophonie. He currently holds the Chair of European Civilization, funded by Robert Bosch Stiftung, at the College of Europe, Natolin campus.

MORTON H. HALPERIN is a Senior Fellow at the Council on Foreign Relations, where he directs the Center for Democracy and Free Markets. He is also the Director of the Open Society Institute's Washington, D.C., office. Dr. Halperin served in the Clinton, Nixon, and Johnson administrations, most recently as Director of the Policy Planning Staff at the Department of State (1998–2001). From 1975–92, Dr. Halperin directed the Center for National Security Studies, a project of the American Civil Liberties Union that sought to reconcile requirements of national security with civil liberties.

SUNG-JOO HAN took office as the acting president of Korea University on June 21, 2002. He currently serves both as a Professor of Political Science and the Director of the Ilmin International Relations Institute at Korea University. Before returning to Korea University in 1995, Dr. Han was the Republic of Korea's Minister of Foreign Affairs (1993-94). He also served as the UN Secretary-General's Special Representative for Cyprus (1996-97) and a member of the U.N. Inquiry Commission on the 1994 Rwanda Genocide (1999).

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HINA JILANI* is a Pakistani lawyer and human rights activist. She is the founding member of several national, regional, and international organizations. Her special areas of activity are in the fields of human rights, democratic development, and the rights of women, minorities, and children. Ms. Jilani is currently the special representative of the UN Secretary-General on Human Rights Defenders.

Note: Institutional affiliations are for identification purposes only.

*The individual has endorsed the report and submitted an Additional or Dissenting View.

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Note: Institutional affiliations are for identification purposes only.

*The individual has endorsed the report and submitted an Additional or Dissenting View.

TASK FORCE REPORT

PREAMBLE

We believe every individual has the right to live in a democracy that guarantees the rights contained in the Universal Declaration of Human Rights and other international instruments, including the Warsaw Declaration.¹ We maintain that the right to participate in the government of one's state, which includes free and fair elections, universal suffrage, and the secret ballot, is a fundamental international human right. We believe that sovereignty lies in the people of nation-states and not in institutions imposed upon them. Once a people have claimed their sovereign democratic rights by adopting a democratic constitution and democratic institutions, no one has the right to appropriate that sovereignty. Transfers of power must be by means approved by the people in advance. No claim to supplant a democratic constitution and democratic institutions has any legitimacy within a community of democracies.

We believe encouraging states to enter and remain on the path of democracy is not only an obligation of democratic states based on their ideals, but is also consistent with their interests and the protection of their security. Democratic states are less likely to breed terrorists or to be state sponsors of terrorism. They are less likely to go to war with each other or to create or tolerate humanitarian crises that produce refugee flows and demands for international action. Democratic states are more likely to be active participants in the global economy.

We believe individuals, democratic governments, and organizations—whether multilateral, regional, or nongovernmental—committed to democracy should work not only to nurture and protect democracy where it has taken hold, but also to assist those struggling to establish democracy in countries that have not yet chosen the democratic path. The first steps on the path to democracy are neither quick nor easy, and maintaining democracy, even in those

¹ Article 21 of the Universal Declaration of Human Rights states that “Everyone has the right to take part in the government of his country, directly or through freely chosen representatives” and the right of “equal access to public service in his country” and that “The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.” Similarly, Article 25 of the International Covenant on Civil and Political Rights states that “Every citizen shall have the right and the opportunity... and without unreasonable restrictions: to take part in the conduct of public affairs, directly or through freely chosen representatives; to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; to have access, on general terms of equality, to public service in his country.” For the Warsaw Declaration and democracy resolutions of the UN General Assembly and Human Rights Commission, and the Organization of American States, see the Appendix.

countries with a long-standing democratic tradition, requires education, sustained vigilance, and active support.

Moreover, individuals, democratic governments, and organizations committed to democracy have a special obligation to assist any people who have chosen the path of democracy when that path is threatened by force from abroad or at home, by other unconstitutional interruption, or by the erosion of democracy and democratic institutions. Unconstitutional actions that threaten democracy from within a state should be resisted by a collective international response as readily as are external aggressions against a sovereign state.² The prevention and redress of unconstitutional interruptions of the democratic process should be given priority over other objectives that might influence decisions to acquiesce to an unconstitutional change in government.³ Similarly, the erosion of democracy should be monitored and addressed, and democratic institutions and norms strengthened against it.

The charge given to this Task Force was to focus on assistance to existing democracies faced with the interconnected threats to democracy posed by the erosion of democracy and democratic institutions and the unconstitutional interruption of the democratic process—primarily through coups and auto-coups⁴—which is often preceded and facilitated by erosion. Because this was our mandate, we focused on these issues.

We remain, however, committed to the belief that every human being is entitled to democratic governance. We will continue to pursue the goal of encouraging democracy in every country of the world and urge democratic governments to lend their support.

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² With methods up to, though rarely including, the use of military force to reinstate the constitutional government.

³ Such short-term objectives are rarely in the long-term interests of the countries that make them, and they involve subordination of the human rights of the victims of these interruptions.

⁴ By which democratically elected leaders override the democratic process, amend constitutions extra-legally or annul democratic institutions.

INTRODUCTION

Since the end of the Cold War, an unprecedented number of nations have chosen democracy as their preferred form of government. There exists a growing global consensus that once a state's people choose the democratic path, democracy becomes the only legitimate form of government for that state and that other democracies have a right and obligation to help that state remain on the democratic path.

Despite these changing global norms, immediate threats to democracy—in the form of coups, auto-coups, and other unconstitutional interruptions of the democratic process—remain a serious issue for democratic nations, as do the less obvious but certainly no less important threats from the gradual erosion of democracy and democratic institutions.⁵ Coups have continued to afflict the citizens of countries with democratically elected governments during the past decade.⁶ In many countries, leaders elected in relatively free and fair elections have abused their power in ways that undermine democracy, and they have used any means to remain in power.⁷ In addition, many countries are experiencing discernible erosion in their democratic institutions.⁸ Destructive in and of themselves, erosions often pave the way for coups and other unconstitutional interruptions. Both coups and erosions involve serious abuse of power through the misuse of constitutionally derived power.

Over the past decade, democratic governments have been willing to act, especially through regional and multilateral organizations, to deter or prevent the unconstitutional interruption of the democratic process in member states of those organizations.⁹ There have been

⁵ See Charles Sampford with Margaret Palmer, “The Theory of Collective Response,” available at www.cfr.org. The paper is linked from the Task Force report, accessible from the “Task Force Reports” link on the “Publications” tab.

⁶ Examples include Haiti in 1991, Nigeria in 1993, Burundi and Niger in 1996, Cambodia and Sierra Leone in 1997, Pakistan and Côte d’Ivoire in 1999, Ecuador and Fiji in 2000, and Venezuela in 2002. See Ken Gude, “Case Studies in Collective Response,” available at www.cfr.org. The paper is linked from the Task Force report, accessible from the “Task Force Reports” link on the “Publications” tab.

⁷ Examples include Guatemala in 1993, Paraguay and Serbia in 1996, Albania and Belarus in 1997, Peru and Serbia in 2000, and Zimbabwe in 2002.

⁸ Zimbabwe has undergone a series of erosions of democracy under President Robert Mugabe, particularly since a February 2000 referendum defeated a new proposed constitution that would have further consolidated Mugabe’s power. Haiti has also undergone erosions of democracy since the restoration to power of ousted President Jean-Bertrand Aristide in 1994. Corruption in Aristide’s party is rife, and violence and oppression of opposition parties commonplace.

⁹ A legal basis for actions to help restore democratic governance can be found in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the European Convention on Human Rights, and in the charters of regional organizations such as the Organization of American States and the Conference for Security and Cooperation in Europe. See also materials in the Appendix.

multiple instances where the international community has sought collectively to prevent movement away from democracy,¹⁰ to restore democratic governments, or to promote the transition back to democratic rule by such actions as withholding recognition, suspending governments from membership in international organizations, or denying assistance. In some cases, these actions have been successful,¹¹ but in others they have been less so—particularly when the international community has been divided over how to treat the offending regime.¹²

While these efforts have been documented and specific instances of involvement the focus of scholarly debate, there has been little or no effort to formulate a cohesive guide for the international community in its efforts to prevent disruptions of the democratic process. Aware of this problem and of the serious nature of threats to democracy, the 106 nations that signed the Warsaw Declaration at the inaugural Community of Democracies ministerial meeting, held in June 2000 in Warsaw, Poland, pledged to “resolve jointly to cooperate to discourage and resist the threat to democracy posed by the overthrow of constitutionally elected governments.”¹³

A panel at the ministerial was devoted to this subject. The communiqué issued by the Convening Group summarized the results of the panel as follows:

Panel participants agreed on the need for proposals to strengthen prompt reactions by international and regional organizations in order to enhance prevention and deal with crises. This should include not only the most extreme cases, such as the overthrow of democratic governments, but also in cases of irregular elections. Participants agreed that responses by regional organizations to threats to democracy need to be strengthened, and that regional organizations should coordinate to share lessons learned among themselves. Participants also suggested that the Community of Democracies at large should consider ways to support efforts by regional and multilateral organizations to prevent and respond to threats and crises. It is important to

¹⁰ Examples include Austria in 2000 and Zimbabwe in 2002.

¹¹ In Albania, Guatemala, Haiti, and Paraguay, for example, pressure and punitive measures were successfully applied by the international community to restore democracy.

¹² International disagreement over appropriate interaction with the military regime in Burma, for example, undercut efforts to promote greater respect for democracy, human rights, and the rule of law in that country.

¹³ Since June 2000, the Federal Republic of Yugoslavia, Guyana, Honduras, and Suriname have also adhered to the Warsaw Declaration.

promote dialogue aimed at improving and establishing cooperation on this issue. To this end, participants felt that this issue could be studied further, perhaps by establishing an ad hoc panel of experts to examine different mechanisms, practices, and experiences.

In response to the communiqué, the Council on Foreign Relations, on its own initiative, asked a group of international figures with a variety of perspectives and backgrounds to come together in an independent Task Force on the subject. The charge given to the Task Force by the Council was to make recommendations to the Community of Democracies Convening Group, regional and multilateral organizations, international financial institutions, nongovernmental organizations, and democratic governments for more effective actions to deter or respond to unconstitutional interruptions of the democratic process and to erosions of democracy and democratic institutions.¹⁴

The members of the Task Force believe that the Community of Democracies should play a central role in securing these objectives and should take a number of steps, outlined below, to lead democratic states to act in support of democracies that are threatened. The Community of Democracies should direct its Convening Group to give high priority to the task of defending democracy in participating states. The Task Force urges the Community of Democracies to charge its Convening Group with seeking implementation of the recommendations contained in this report in a variety of forums and of coordinating activities of participants of the Community of Democracies when there is a threat to the survival of democracy in a participating state.

The purpose of the recommended actions is to support and protect democratic institutions that have been chosen by the people through an assertion of their sovereignty. The primary means is the bolstering of the chosen democratic institutions and democracies' own internal means of protecting their constitutional democratic processes from treasonous interruption and erosion. The first line of defense is by those democratic institutions, and the first goal of the community of democratic states should be to strengthen and support that defense. Other actions

¹⁴ For a full discussion of which agreements, rules and procedures within regional and multilateral organizations might be most effective in influencing member states to return to democracy, see Theodore Piccone, "International Rules and Procedures for Protecting Democratic Governments," available at www.cfr.org. The paper is linked from the Task Force report, accessible from the "Task Force Reports" link on the "Publications" tab.

should be available, however, in case such defenses are insufficient, as well as to provide an ultimate deterrent to those who believe that they may successfully seize or erode sovereignty from a people. The prospect of resolute action by the community of democratic states will deter would-be coup makers and power mongers, weaken their supporters, and strengthen the resolve of those within the threatened democracy who would resist coups and erosions. The more certain the international response, the stronger a deterrent it will be to those who would plot and join coups or erode democracy and democratic institutions, and the greater will be the resolve of those who would internally oppose them.

RECOMMENDATIONS

The recommendations focus on building a conceptual framework for the coordination of international community action against threats to democracy. The framework consists of a set of basic preventive and responsive measures aimed at facilitating quick, unified action by democratic states. These measures are exemplary rather than exhaustive. Their goal is in part to lay the foundation for a further discussion of international community involvement. The recommendations of the Task Force are concentrated in four areas:

1. *Preventive Actions.* These are actions to be taken now, before a specific situation arises, in an effort to combat the erosion of democracy and democratic institutions and to deter coups and other unconstitutional interruptions of the democratic process. The recommendations in this section are aimed at helping organizations and states build capacity to deal with threats to democracy quickly and in an organized, coordinated manner by outlining mechanisms that can be used to resist or roll back such efforts. The recommendations are divided into two subcategories: preventive actions against erosions of democracy and preventive actions against unconstitutional interruptions of democracy. Because erosions often pave the way for coups and other unconstitutional interruptions, the preventive actions prescribed against erosions also play a role in preventing unconstitutional interruptions.
2. *Responsive Actions.* These are actions to be taken as an erosion of democracy occurs or when an unconstitutional interruption is threatened or has taken place. The recommendations in this section animate a suggested course of response using the mechanisms specified in the section on preventive actions. The responsive measures map out a quick, coordinated response, allowing the international community of democratic states to speak with one consistent voice to coup leaders. Relevant regional organizations take the lead where possible and the Community of Democracies is urged to coordinate other organizations and countries in complimentary action. The Community of Democracies is also urged to take the lead in first response when regional organizations are unwilling or unable to act.

3. *Restoring Democracy.* The recommendations in this section deal with the process for restoring democracy when a coup has been mounted and the immediate restoration of the ousted democratic leaders is not feasible.
4. *Reinforcing Mechanisms for Securing Individual Accountability.* The recommendations in this section suggest cooperation by the international community in enforcing domestic laws that prohibit unconstitutional interruptions of the democratic process. They also examine the possibility of treating serious unconstitutional interruptions as crimes under international law.

I. PREVENTIVE ACTIONS

A. Preventive Actions against Erosions of Democracy

IN ORGANIZATIONS¹⁵

1. *Provide assistance for sustaining and strengthening democratic institutions.* The Community of Democracies should encourage participating states and multilateral institutions, including international financial institutions, to provide assistance to countries in their efforts to sustain and strengthen their democratic institutions as a way to combat the erosion of democracy. Such assistance should encompass political institutions (political parties, one of the most important mediating vehicles by which people can affect their government's policies; independent judiciaries; legislatures; public administration; etc.), political culture (education for democracy and civic responsibility, political participation, free media, etc.), and democratic values and practices. Assistance is particularly important for new democracies, whose citizens are sometimes driven to back away from support for newly won democratic freedoms and accept a return to old systems because of a frustration with the early phase of democratic transition in which there may appear to be a lack of dividends from democracy, especially with regard to economic well-being.

¹⁵ Recommendations addressed to organizations are aimed at the member states of those bodies. Recommendations for international financial institutions are also included in this category.

2. *Create intra-organizational mechanisms aimed at evaluating and strengthening member states' democracy.* To strengthen and support democracy as a way to prevent erosions, regional organizations, where possible, should create a Monitoring Committee mechanism, that monitors threats to democracy, to visit member countries on a rotating basis and make recommendations to strengthen democracy. The Community of Democracies (CD) should create a similar mechanism that would function on a permanent basis and build up the institutional capacity to support it. The mechanism would include a rating system for the strength of democracy and democratic institutions within a country. The ratings of CD participants would be published in an annual report. The CD may want to designate its Convening Group to elaborate the form the mechanism would take and the criteria by which participants will be evaluated. These criteria should include transparency, accountability, freedom of media, and the judiciary, etc.¹⁶
3. *Develop regionally specific democracy-erosion indicators.* To enable systematic monitoring of erosions in democracy, regional organizations—in coordination with the Community of Democracies (CD)—should work within themselves (and, where there are other like-minded organizations in the region, with one another) as well as with nongovernmental organizations to develop a set of regionally specific democracy-erosion indicators. These indicators should include social as well as economic factors and should encompass the public as well as the private sector. The Monitoring Committee mechanism that monitors threats to democracy should bring to the attention of the organization, in a timely fashion, countries that have experienced erosions in their democracy or democratic institutions. Where regional organizations are unwilling or unable to take the lead, the CD should designate a lead subregional or multilateral organization.
4. *Use democracy-erosion indicators in helping to provide targeted assistance to stem erosions.* Within their normal lending-process standards for evaluating a country's stability and creditworthiness, international financial and trade institutions should include

¹⁶ The mechanism might take the form of an Institute for Democracy, which could also act to facilitate cooperation between regional organizations and a nongovernmental organization monitoring and evaluating erosions of

the democracy-erosion indicators described above. National governments with representatives on the governing bodies of these institutions should advocate for such an inclusion with a view to providing assistance to help stem the erosion.

5. *Adopt and promote a set of standards for free and fair elections.* The Community of Democracies (CD) should work with the Electoral Assistance Unit of the United Nations, with the International Institute for Democracy and Electoral Assistance (IDEA), and with other bodies to adopt a set of standards for free and fair elections. CD participants should work for the adoption of the CD election standards within their respective regional organizations and at the United Nations. CD participants should also agree to facilitate independent monitoring of their elections by relevant organizations as a condition of continued participation in the CD.

FOR NONGOVERNMENTAL ORGANIZATIONS

6. *Highlight and catalogue erosions of democracy in countries around the world.* In addition to the mechanisms established by the Community of Democracies and regional organizations, advocates of democracy should identify an independent body—presumably a nongovernmental organization (NGO) or a consortium of NGOs—operating on an international level that could produce regular reports cataloguing the erosions of democracy in countries around the world. Such reports would also recommend steps the international community of democracies could take to address such erosions. In addition to generating reports, the NGO or consortium could also issue media alerts when erosions are systemic or particularly egregious and/or threatening to the stability of democratic institutions. The NGO or consortium would work with local institutions in each country to develop monitoring networks and would participate in other activities designed to alert the international community to serious threats to democracy.

FOR DEMOCRACIES

To prevent erosions of their own democracy, democracies should do the following:

democracy globally (see Recommendation 6).

7. *Strengthen democracy through internal legal measures.* Democracies should take internal legal measures to strengthen democracy and democratic institutions, paying special attention to free elections; human rights; the independence of the judiciary; freedom of the media; insulation of political institutions from corruption; the education of the populace, including on civic responsibility and democratic norms and principles; and measures that facilitate the functioning of political parties and civil society.

To prevent the erosion of democracy in democracies at increased risk for erosion, democracies should do the following:

8. *Establish foundations to strengthen democratic institutions globally.* Democratic governments should consider following the example of other democracies by creating quasi-governmental foundations that work to strengthen democratic institutions globally through nongovernmental efforts.¹⁷
9. *Provide bilateral development assistance to new democracies.* Democracies should provide development assistance to new democracies in an effort to help these democracies deliver broad-based economic dividends to their people. Such development assistance would decrease the vulnerability of new democracies during the early phase of democratic transition when there may be popular frustration with the apparent lack of dividends to democracy, especially as regards economic well-being.¹⁸

B. Preventive Actions against Unconstitutional Interruptions of Democracy¹⁹

IN ORGANIZATIONS

¹⁷ Existing quasi-governmental foundations include the National Endowment for Democracy of the United States, the Center for Democratic Institutions of Australia, and the Netherlands Institute for Multiparty Democracy.

¹⁸ The Warsaw Declaration notes, “we will seek to assist each other in economic and social development including the eradication of poverty as an essential contributing factor to the promotion and preservation of democratic development.”

¹⁹ The recommendations presented here are designed to help prevent unconstitutional interruptions of the democratic process in part by putting into place procedures that might be used when there is an immediate threat. The existence of such a mechanism should help to deter coups and other unconstitutional acts. Whether it would be productive to use a particular mechanism when there is a threat can be determined only at the time when the threat occurs. The recommendations that follow should not be read to mean that the Task Force believes that all of them should be used in every crisis.

10. *Develop procedures for coordinating a response to threats to democracy.* The Community of Democracies (CD) should develop procedures for coordinating with CD participants, regional organizations, and other organizations to respond to threats to democracy. Response procedures to be developed should include those for establishing a lead organization when a threat develops and a mechanism for ensuring that organizations and governments act together in confronting coup plotters or elected officials seeking to subvert the democratic process. Response procedures should also provide for the continued recognition of the “deposed” democratic government.²⁰ Where that is not possible, the procedures should require the suspension or expulsion of any state in which there is an unconstitutional interruption of the democratic process until such interruption can be redressed.²¹ For cases in which an interruption of democracy cannot be reversed by restoration of the previous democratic order,²² procedures should advise organizations to require the suspension or expulsion of the state in question until that state’s regime puts into place agreed-upon procedures for a rapid transition back to democracy. The CD should also encourage cooperation and sharing of information between regional and multilateral organizations regarding procedures to prevent unconstitutional interruptions of the democratic process.²³

²⁰ While this may not be possible in all circumstances, it should be the general rule and supports a presumption that those who seek to seize power from peoples who have chosen democracy will not be recognized by other members of the community of democratic states. Where the coup has been engendered partly by erosions of democracy by a democratically elected government, such support may be conditional on the reversal of erosions. Member states of regional and other organizations should create measures that allow representatives of a deposed democratic government to continue to participate in the relevant organization as the legitimate representatives of their state and should adopt procedures to provide facilities and support where necessary.

²¹ Where the organization in question is a trade organization, the suspension should relate at least initially only to participation in decisions of the organization and should not affect the de facto regime’s obligation to enforce the provisions of the treaty agreement. Over the longer term, if the coup cannot be reversed and the de facto regime does not implement an agreed plan to return to democracy, the country might need to be expelled from the trade agreement.

²² For example, in cases where a coup is widely popular or the elected government had moved away from democratic norms.

²³ This could build on the first Community of Democracies–sponsored Meeting of Regional and Multilateral Organizations, held at the Organization of American States (OAS) in February 2001. For the evolution of the OAS role in promoting and protecting democracy, see Rubén M. Perina, “The Inter-American Democratic Regime: The Role of the Organization of American States in Promoting and Defending Democracy,” available at www.cfr.org. The paper is linked from the Task Force report, accessible from the “Task Force Reports” link on the “Publications” tab.

11. *Establish democracy clauses where possible.* Political and economic international, regional, and multilateral organizations should establish democracy clauses requiring all member states to meet democratic norms and to remain on the path to democracy. In organizations in which democracy clauses cannot be established at present, a coalition of willing member states should take the lead in facilitating resolutions favorable to democracy when problems with member states arise.²⁴ In addition, willing member states, particularly leading regional democracies, should build political consensus in favor of mandating a commitment to democratic principles as a condition of membership in the organization or, failing that, move to allow current nondemocratic regimes to remain in the organization, but disallow membership for governments that subsequently come to power through military coups or other unconstitutional means.

FOR DEMOCRACIES

To prevent coups against their own governments, democracies should do the following:

12. *Take internal legal measures against coups.* Democracies should take internal measures—particularly through legal channels—that make it less likely for coups to be mounted or to succeed and that establish clear rules regarding the responsibilities of state institutions (including the military, the judiciary, the executive, the bureaucracy, and the foreign service), and of groups and individuals in the case of an attempted coup. For example, democracies should create laws that establish clear lines of succession in cases of coups (these lines should include ambassadors and other figures likely to be out of the country when the coup occurs);²⁵ introduce specific codes into military/civilian law that ensure that coups are clearly identified as acts of treason and mandate action against those

²⁴ Such was the case when the foreign ministers of Indonesia, the Philippines, and Thailand took the lead within ASEAN to delay the ascension of Cambodia into the organization after a coup and counter coup occurred in the country in 1997. Similarly, Malaysian ambassador Razaleigh Kassim, as the special envoy of the UN secretary-general, worked with ASEAN to encourage the dialogue between the Burmese military regime and Aung San Suu Kyi.

²⁵ Democracies should not only ensure a line of succession for the continuity of government in the case of coups, but also for the continuity of judicial functions. This will ensure that judges are able to issue constitutional declarations to make the constitutional situation clear. It will also allow judges to issue relevant warrants for the arrest of those involved with the coup.

attempting to carry out such acts; and classify the failure to take action against a coup as a crime against the state.²⁶

13. *Specify constitutional mechanisms for changes of government.* In order to facilitate peaceful and democratic change when an elected government loses support, democracies' constitutions should specify a clear line of succession to the head of government, as well as a mechanism for constitutionally changing governments that lose popular support.

To assist democracies that are at risk for unconstitutional interruptions, democracies should do the following:

14. *Promote establishment of democracy clauses in multilateral and bilateral monetary agreements/programs.* Democracies should push for the establishment of democracy clauses in multilateral economic, trade, finance, and debt relief agreements to which they belong.²⁷ Democracies should also implement such procedures in their own bilateral economic, trade, and assistance programs. This would not mean denying all assistance to nondemocratic countries—humanitarian aid and democracy assistance including support for nongovernmental organizations should continue—but rather limiting concessional trade measures and development assistance to countries on the path to democracy. In addition, democracies should also provide support to democracies at risk for adopting procedures to resist unconstitutional interruptions of the democratic process.

15. *Adopt legislation that facilitates the rapid imposition of sanctions.* Democracies should adopt legislation to enable them to impose sanctions quickly, including targeted sanctions—such as asset seizures and visa denials—directed at coup plotters or elected officials engaging in auto-coups.²⁸

²⁶ For more specific examples of internal measures, see Charles Sampford with Margaret Palmer, “Strengthening Domestic Responses to the Erosion of Democracy and to Coups D’Etat,” available at www.cfr.org. The paper is linked from the Task Force report, accessible from the “Task Force Reports” link on the “Publications” tab.

²⁷ As in the Free Trade Area of the Americas.

²⁸ The United States and the members of the European Union implemented such sanctions against the regime of Zimbabwe’s Robert Mugabe in the run-up to and wake of the March 2002 presidential elections. Such sanctions were also used by members of the international community in the cases of the coups in Fiji and Haiti.

16. *Make use of security treaties.* Democracies should consider amending existing regional security treaties or negotiating new multilateral treaties that provide for states to act to restore the democratic order by collective action in other states party to the treaty.²⁹

II. RESPONSIVE ACTIONS

A. Responsive Actions to Erosions of Democracy When They Occur

As an erosion of democracy occurs within a state:

17. *Highlight the erosion.* Initial responses should be handled by the relevant regional organization where possible. The Monitoring Committee mechanism that monitors threats to democracy in member states should publish a report when erosions occur in a member country and call for a meeting of the organization at the appropriate level.

18. *Request a written response to allegations.* The member country should be called upon (as previously agreed to by signatories of the organization) to produce a written response addressing the allegations in the report of the Monitoring Committee mechanism.³⁰

B. Responsive Actions to Interruptions of Democracy When They Occur

When an interruption of democracy occurs in a country:

19. *Convene the relevant regional organization at the appropriate level.* Initial responses should be handled by the relevant regional organization where possible. The Monitoring Committee mechanism that monitors threats to democracy in member states should call immediately for a meeting of the organization at the appropriate level.³¹ The organization

²⁹ These arrangements might include military intervention or permission for the ousted democratic government to use the territory of the neighboring democracy as a base of operations from which to coordinate action against the coup. See also Morton H. Halperin, "Guaranteeing Democracy," *Foreign Policy* 91 (Summer 1993).

³⁰ For a more detailed discussion on responses to the slow erosion of democracy, see Esther Brimmer, "Vigilance: Recognizing the Slow Erosion of Democracy," available at www.cfr.org. The paper is linked from the Task Force report, accessible from the "Task Force Reports" link on the "Publications" tab.

³¹ Time is of the essence in situations of interruptions. If the organization is not able to meet immediately when an interruption occurs, a teleconference among all representatives at the appropriate level (with participation by the

should announce what it expects from the illegitimate government (i.e., an immediate return to the democratic process) and take action according to its rules of procedure. Member countries should coordinate their responses with that advocated by the organization.³²

20. *Convene the Community of Democracies at the appropriate level.* The Convening Group (CG) of the Community of Democracies or a subcommittee of the CG should convene immediately and seek to coordinate efforts of governments and international organizations. Where specific measures have been adopted by the relevant lead organization against a regime, the CG should encourage efforts in other organizations and through joint declarations to recognize and enforce national-level sanctions. These national-level sanctions might include sanctions targeted at the coup plotters, such as visa suspension, asset freezing, travel bans, and the denial of educational benefits, as well as traditional sanctions such as trade restrictions and the freezing of (non-humanitarian) aid.
21. *Prompt appropriate action from international financial institutions.* The Convening Group of the Community of Democracies should encourage those participant states of the Community of Democracies with representatives on the governing bodies of international financial institutions to prompt appropriate action from those institutions, including the immediate suspension of assistance (again, exempting humanitarian assistance, assistance to NGOs, and other beneficial and necessary assistance).
22. *Continue to treat the ousted democratic government as legitimate.* Where feasible, the ousted democratic government should continue to be treated as the legitimate government of the country in question by democracies, the Community of Democracies, regional and multilateral organizations, and other elements of the international community, at least until the interruption of democracy can be redressed. For example, the United Nations

Community of Democracies) should be set within twenty-four hours. Subsequently, at least daily meetings should be held until some resolution is realized.

³² The U.S. government's mild response to the coup attempt in Venezuela in April 2002, despite its participation in the OAS condemnation of the coup, highlights the need for member countries to follow the lead, at minimum, both in word and deed, of the relevant regional organization when that organization is acting in the interest of democracy.

General Assembly should continue to seat the ousted democratic government where it exists in exile or refuse to seat the representative of the coup regime.³³

23. *Suspend the country's participation in the Community of Democracies.* If it becomes clear that efforts to prevent unconstitutional action have failed, the Convening Group of the Community of Democracies should suspend the victim country's participation in the activities of the Community of Democracies and should press for the restoration of the constitutional democratic order.

III. RESTORING DEMOCRACY

Once a coup has been mounted, the restoration of democracy and the constitutional order—either by the restoration of an elected leader or the rescinding of unconstitutional actions taken by an elected leader—should be the fundamental object. However, there will be cases in which such an outcome is not possible, for example, when the coup has overwhelming domestic support or when the ousted government was in the process of carrying out a slow motion auto-coup against democratic norms.³⁴ In such cases, democratic states must act to facilitate the quickest possible return of the countries in question to the democratic path, and in the interim insist on respect for human rights, democratic institutions, and the existing constitution.³⁵

24. *Determine whether the restoration of the democratic government is possible.* If it appears that the restoration of the democratic government is not feasible, the Community of Democracies (CD), working through an ad hoc group of CD participants, should consult

³³ Here UN Secretary-General Kofi Annan has led the way by suggesting that the General Assembly deny a seat in the assembly to a regime that comes to power by displacing a democratic regime. "Africa's leaders declared that governments which came to power through unconstitutional means could no longer expect to be received as equals in an assembly of elected heads of state... I look forward to the day when the General Assembly of the United Nations will follow Africa's lead and apply similarly stringent standards to all its members." See "Toward a Community of Democracies," ministerial meeting pamphlet, Warsaw, Poland, June 2000, p. 21.

³⁴ Whether or not their decision was correct, many democratic governments concluded that Prime Minister Nawaz Sharif could not be reinstated after his government was toppled in a coup led by Army Chief of Staff General Pervez Musharraf in October 1999. The international community therefore dealt with Musharraf in terms of necessary standards for the restoration of democracy to Pakistan. These efforts were made without coordination of what such standards should be, however, resulting in different initiatives from the United States, the Commonwealth of Nations and others.

³⁵ See Christopher Fomunyoh, "Rules for Transition Back to Democracy," available at www.cfr.org. The paper is linked from the Task Force report, accessible from the "Task Force Reports" link on the "Publications" tab.

with key governments and international organizations and determine if there is a consensus that restoration of the democratic government is not possible. A consensus should then be reached on what actions and commitments would be required by the new regime before it is accorded any degree of recognition by the international community. A procedure for approaching the coup leaders should be developed so that the democratic community speaks with a single voice in conveying its demands.

25. *Develop consensus on conditions to be imposed on coup leaders.* The Community of Democracies should give consideration to developing an international consensus on what conditions should be imposed in such situations, recognizing that the terms will have to be adopted to meet the specific facts of any situation and should be formulated in close consultation with democratic civil society in the country. Such conditions would include:

A. Focus on restoring democracy. The coup leaders must agree to limit their actions to facilitating a transition that will return the country to democratic rule as quickly as possible, while providing a role in the interim for political parties and nongovernmental organizations. Coup leaders must also agree not to undertake any actions that are not necessary for and constituent with that objective, including the creation of so-called emergency laws.

B. No limits on existing democratic institutions. Coup leaders must agree not to take measures that inhibit democratic norms, including closing the legislature, banning political parties, limiting the independence of the judiciary, acting against the free media, or other actions that violate the human rights of citizens or international norms. Coup leaders must also agree not to change the constitution.

C. Early Free and Fair Elections. Coup leaders must make a commitment to conduct early free and fair elections within the shortest period needed to establish that condition. Except in extraordinary situations, the elections should be held within one year. Coup makers and those who participate in governing the country during a transition period should not be allowed to stand as candidates for elected

office in the transition elections. Transition elections should be run by civilian authorities, supervised by an independent domestic group, and monitored internationally. Election monitors should include regional as well as extra-regional teams.

26. *Maintain contact with civil society, political parties, and nongovernmental organizations.*

The Community of Democracies and other relevant organizations should establish contacts with civil society groups, political parties, and nongovernmental organizations in the affected country in an effort to keep better apprised of the situation within the country. In addition, they should provide support to these groups.

IV. MECHANISMS FOR SECURING INDIVIDUAL ACCOUNTABILITY

The international community should recognize that unconstitutional interruptions of the democratic process involve multiple and serious violations of that democracy's criminal law—including treason, various conspiracies, aggravated assault, burglary, and generally a number of murders or attempted murders. Those who gain control of a country by unlawful means are in a position to intimidate (and, if necessary, kill and remove) judges to ensure that they are not held criminally and civilly liable. Democracies other than the country suffering unconstitutional interruption are less subject to such intimidation, however.

27. *Acknowledge unconstitutional interruptions as crimes under domestic law and violations of human rights.* The international community should acknowledge that unconstitutional interruptions of the democratic process constitute crimes under the domestic law of most states, as well as violations of internationally protected human rights that potentially threaten peace and security between states.³⁶

28. *Cooperate in enforcing other democracies' domestic laws against unconstitutional interruptions.* Democracies should ensure that their legal systems enable them to

³⁶ See Brian D. Tittmore, "Prohibiting Serious Threats to Democratic Governance as an International 'Crime Against Democracy,'" available at www.cfr.org. The paper is linked from the Task Force report, accessible from the "Task Force Reports" link on the "Publications" tab.

cooperate in enforcing the domestic laws of other states that prohibit unconstitutional interruptions of the democratic process, including the means to arrest, extradite,³⁷ and, where the state concerned is unable or unwilling to prosecute, put on trial those who participate in serious unconstitutional interruptions of the democratic process.

29. *Examine the need for an international treaty.* The international community should begin a process of examining whether a treaty should be negotiated that renders cooperation in the enforcement of domestic laws of this nature the subject of international legal obligations. Such a treaty might also establish serious unconstitutional interruptions of the democratic process as crimes under international law.

³⁷ Where existing extradition treaties provide exceptions for “political” crimes, crimes involving attacks on democracy should be specifically excluded.

ADDITIONAL AND DISSENTING VIEWS

I am somewhat uncomfortable with accepting the possibility of according “any degree of recognition” to an illegal regime of the kind that we are holding this whole exercise to discourage. I understand the practical difficulties. At the same time leaving any loopholes that would permit selectivity of action by the international community leading to the erosion of the principle could undermine and weaken popular support for democracy.

Any suggestions regarding existence of circumstances under which “restoration of democratic government is not feasible” should be accompanied by a recommendation that guidelines and criteria for making that determination must be agreed upon by member states. If the community of democratic states has to evolve a consensus on their position on feasibility of restoration of democracy, this consensus has to be based on some criteria. In the absence of such guidelines political or other interests of powerful states, or group of states, could make such considerations subjective.

Hina Jilani

In my view, there is not enough emphasis in the analysis of criteria such as poverty, inequalities and corruption. In addition, there is an absence of distinction between the good functioning of democracy (pluralistic elections) and its absolute prerequisites, which do not suffice to qualify democracy but without which there is no possibility of having any democracy at all. Such prerequisites include civil security, a clear control on police and special services, the absence of any illegal arrests, the lawful conduct of the police in investigations, the absence of torture, the independence of the judiciary and the real freedom of the press. Pluralistic elections have no meaning in the absence of these prerequisites, at least according to my long African experience. Finally, I question the idea that all crisis situations seem due to be treated with the same criteria, methods and procedures, whereas I have learned that any conflict is to itself its own monograph. That said, I believe that the report makes an important contribution.

Michel Rocard

APPENDIX

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Adopted and proclaimed by UN General Assembly resolution 217 A (III) of

10 December 1948

[Excerpt]

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

[Cut to Article 21]

Article 21

- (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

- (2) Everyone has the right of equal access to public service in his country.

- (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

Adopted and opened for signature, ratification and accession by UN General Assembly
resolution 2200A (XXI) of 16 December 1966
entry into force 23 March 1976

[Excerpt]

Preamble

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

[Cut to Article 25]

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

- (c) To have access, on general terms of equality, to public service in his country.

TOWARD A COMMUNITY OF DEMOCRACIES

MINISTERIAL CONFERENCE

Final Warsaw Declaration: Toward a Community of Democracies

Warsaw, Poland, June 27, 2000

We the participants from

Republic of Albania, People's Democratic Republic of Algeria, Argentine Republic, Republic of Armenia, Australia, Republic of Austria, Azerbaijani Republic, People's Republic of Bangladesh, Kingdom of Belgium, Belize, Republic of Benin, Republic of Bolivia, Bosnia and Herzegovina, Republic of Botswana, Federative Republic of Brazil, Republic of Bulgaria, Burkina Faso, Canada, Republic of Cape Verde, Republic of Chile, Republic of Colombia, Republic of Costa Rica, Republic of Croatia, Republic of Cyprus, Czech Republic, Kingdom of Denmark, Commonwealth of Dominica, Dominican Republic, Republic of Ecuador, Arab Republic of Egypt, Republic of El Salvador, Republic of Estonia, Republic of Finland, Georgia, Federal Republic of Germany, Republic of Guatemala, Republic of Haiti, Hellenic Republic, Republic of Hungary, Republic of Iceland, Republic of India, Republic of Indonesia, Ireland, State of Israel, Italian Republic, Japan, Hashemite Kingdom of Jordan, Republic of Kenya, Republic of Korea, State of Kuwait, Republic of Latvia, Kingdom of Lesotho, Principality of Liechtenstein, Republic of Lithuania, Grand Duchy of Luxembourg, former Yugoslav Republic of Macedonia, Republic of Madagascar, Republic of Malawi, Republic of Mali, Republic of Malta, Republic of Mauritius, Mexico, Republic of Moldova, Principality of Monaco, Mongolia, Kingdom of Morocco, Republic of Mozambique, Republic of Namibia, Kingdom of Nepal, Kingdom of the Netherlands, New Zealand, Republic of Nicaragua, Republic of the Niger, Federal Republic of Nigeria, Kingdom of Norway, Republic of Panama, Papua New Guinea, Republic of Paraguay, Republic of Peru, Republic of the Philippines, Republic of Poland, Portuguese Republic, State of Qatar, Romania, Russian Federation, Saint Lucia, Democratic Republic of São Tomé and Príncipe, Republic of Senegal, Republic of Seychelles, Slovak Republic, Republic of Slovenia, Republic of South Africa, Kingdom of Spain, Democratic Socialist Republic of Sri Lanka, Kingdom of Sweden, Swiss Confederation, United Republic of Tanzania, Kingdom of Thailand, Republic of Tunisia, Republic of Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Eastern Republic of Uruguay, Bolivarian Republic

of Venezuela, Republic of Yemen, in the Community of Democracies Ministerial Meeting convened in Warsaw, 26–27 June 2000:

Expressing our common adherence to the purposes and principles set forth in the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming our commitment to respect relevant instruments of international law,

Emphasizing the interdependence between peace, development, human rights and democracy,

Recognizing the universality of democratic values,

Hereby agree to respect and uphold the following core democratic principles and practices:

- The will of the people shall be the basis of the authority of government, as expressed by exercise of the right and civic duties of citizens to choose their representatives through regular, free and fair elections with universal and equal suffrage, open to multiple parties, conducted by secret ballot, monitored by independent electoral authorities, and free of fraud and intimidation.
- The right of every person to equal access to public service and to take part in the conduct of public affairs, directly or through freely chosen representatives.
- The right of every person to equal protection of the law, without any discrimination as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- The right of every person to freedom of opinion and of expression, including to exchange and receive ideas and information through any media, regardless of frontiers.
- The right of every person to freedom of thought, conscience and religion.
- The right of every person to equal access to education.
- The right of the press to collect, report and disseminate information, news and opinions, subject only to restrictions necessary in a democratic society and prescribed by law, while bearing in mind evolving international practices in this field.

- The right of every person to respect for private family life, home, correspondence, including electronic communications, free of arbitrary or unlawful interference.
- The right of every person to freedom of peaceful assembly and association, including to establish or join their own political parties, civic groups, trade unions or other organizations with the necessary legal guarantees to allow them to operate freely on a basis of equal treatment before the law.
- The right of persons belonging to minorities or disadvantaged groups to equal protection of the law, and the freedom to enjoy their own culture, to profess and practice their own religion, and use their own language.
- The right of every person to be free from arbitrary arrest or detention; to be free from torture and other cruel, inhumane or degrading treatment or punishment; and to receive due process of law, including to be presumed innocent until proven guilty in a court of law.
- That the aforementioned rights, which are essential to full and effective participation in a democratic society, be enforced by a competent, independent and impartial judiciary open to the public, established and protected by law.
- That elected leaders uphold the law and function strictly in accordance with the constitution of the country concerned and procedures established by law.
- The right of those duly elected to form a government, assume office and fulfill the term of office as legally established.
- The obligation of an elected government to refrain from extra-constitutional actions, to allow the holding of periodic elections and to respect their results, and to relinquish power when its legal mandate ends.
- That government institutions be transparent, participatory and fully accountable to the citizenry of the country and take steps to combat corruption, which corrodes democracy.
- That the legislature be duly elected and transparent and accountable to the people.

- That civilian, democratic control over the military be established and preserved.
- That all human rights—civil, cultural, economic, political and social—be promoted and protected as set forth in the Universal Declaration of Human Rights and other relevant human rights instruments.

The Community of Democracies affirms our determination to work together to promote and strengthen democracy, recognizing that we are at differing stages in our democratic development. We will cooperate to consolidate and strengthen democratic institutions, with due respect for sovereignty and the principle of non-interference in internal affairs. Our goal is to support adherence to common democratic values and standards, as outlined above. To that end, our governments hereby agree to abide by these principles in practice, and to support one another in meeting these objectives which we set for ourselves today.

We will seek to strengthen institutions and processes of democracy. We appreciate the value of exchanging experiences in the consolidation of democracy and identifying best practices. We will promote discussions and, where appropriate, create forums on subjects relevant to democratic governance for the purpose of continuing and deepening our dialogue on democratization. We would focus our deliberations on our common principles and values rather than extraneous bilateral issues between members. We resolve jointly to cooperate to discourage and resist the threat to democracy posed by the overthrow of constitutionally elected governments. We resolve to strengthen cooperation to face the transnational challenges to democracy, such as state-sponsored, cross-border and other forms of terrorism; organized crime; corruption; drug trafficking; illegal arms trafficking; trafficking in human beings and money laundering, and to do so in accordance with respect for human rights of all persons and for the norms of international law.

We will encourage political leaders to uphold the values of tolerance and compromise that underpin effective democratic systems, and to promote respect for pluralism so as to enable societies to retain their multi-cultural character, and at the same time maintain stability and social cohesion. We reject ethnic and religious hatred, violence and other forms of extremism. We will also promote civil society, including women's organizations, nongovernmental organizations, labor and business associations, and independent media in their exercise of their democratic rights. Informed participation by all elements of society, men and women, in a country's

economic and political life, including by persons belonging to minority groups, is fundamental to a vibrant and durable democracy.

We will help to promote government-to-government and people-to-people linkages and promote civic education and literacy, including education for democracy. In these ways we will strengthen democratic institutions and practices and support the diffusion of democratic norms and values.

We will work with relevant institutions and international organizations, civil society and governments to coordinate support for new and emerging democratic societies.

We recognize the importance our citizens place on the improvement of living conditions. We also recognize the mutually-reinforcing benefits the democratic process offers to achieving sustained economic growth. To that end, we will seek to assist each other in economic and social development, including eradication of poverty, as an essential contributing factor to the promotion and preservation of democratic development.

We will collaborate on democracy-related issues in existing international and regional institutions, forming coalitions and caucuses to support resolutions and other international activities aimed at the promotion of democratic governance. This will help to create an external environment conducive to democratic development.

Final, June 27, 2 p.m.

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY
[on the report of the Third Committee (A/55/602/Add.2 and Corr.1)]
55/96. PROMOTING AND CONSOLIDATING DEMOCRACY

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations, and reaffirming also that everyone is entitled to all rights and freedoms without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, as set forth in the Universal Declaration of Human Rights,

Bearing in mind Commission on Human Rights resolutions 1999/57 of 27 April 1999 and 2000/47 of 25 April 2000,

Recognizing the indissoluble link between human rights as enshrined in the Universal Declaration of Human Rights and in the international human rights treaties and the foundation of any democratic society, and reaffirming the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, which states that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing,

Recalling that all peoples have the right to self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development,

Recalling also that, in the Vienna Declaration and Programme of Action, the World Conference on Human Rights recommended that priority should be given to national and international action to promote democracy, development and human rights and that the international community should support the strengthening and promotion of democracy, development and respect for human rights and fundamental freedoms in the entire world,

Recalling further its resolutions 53/243 A and B of 13 September 1999, containing, respectively, the Declaration and the Programme of Action for a Culture of Peace,

Recognizing and respecting the rich and diverse nature of the community of the world's democracies, which arise out of all of the world's social, cultural and religious beliefs and traditions,

Recognizing that, while all democracies share common features, there is no one universal model of democracy,

Reaffirming its commitment to the process of democratization of States, and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Reaffirming that good governance, as referred to in the United Nations Millennium Declaration, is among the indispensable factors for building and strengthening peaceful, prosperous and democratic societies,

Aware of the crucial importance of the active involvement and contribution of civil society in processes of governance that affect the lives of people,

Recalling commitments undertaken by Member States for the promotion of democracy and the rule of law, within the framework of the United Nations and other international organizations,

Welcoming measures, such as decision AHG/Dec.141 (XXXV) adopted in 1999 by the Assembly of Heads of State and Government of the Organization of African Unity, resolution AG/RES.1080 (XXI-091) adopted in 1991 by the General Assembly of the Organization of American States and the Moscow Document on the Human Dimension adopted in 1991 by the Conference on the Human Dimension of the Conference for Security and Cooperation in Europe, which commit Member States to taking certain steps in the event of an interruption of democratic government, as well as the Commonwealth Declaration adopted at the Commonwealth Heads of

Government Meeting, held at Harare in 1991, which commits members to fundamental democratic principles,

Commending the wish of an increasing number of countries all over the world to devote their energy, means and political will to the building of democratic societies in which individuals have the opportunity to shape their own destiny,

Noting the initiatives taken by the countries that participated in the first, second and third International Conference of New or Restored Democracies, held, respectively, at Manila in June 1988, Managua in July 1994 and Bucharest in September 1997,

Noting also the ministerial conference entitled “Towards a Community of Democracies”, hosted by the Government of Poland at Warsaw on 26 and 27 June 2000,

Noting further the Forum on Emerging Democracies, held at Sana’a from 27 to 30 June 1999,

Noting that the fourth International Conference of New or Restored Democracies is scheduled to be held at Cotonou, Benin, from 4 to 6 December 2000, and also noting the initiative of the Government of Mali to host, at Bamako from 1 to 3 November 2000, following the Moncton Declaration adopted in September 1999 at Moncton, Canada, by the Eighth Summit of la Francophonie, an international symposium at the ministerial level on the status of the practices of democracy, rights and freedoms in the French-speaking community,

1. *Calls upon* States to promote and consolidate democracy, inter alia, by:

(a) Promoting pluralism, the protection of all human rights and fundamental freedoms, maximizing the participation of individuals in decision-making and the development of effective public institutions, including an independent judiciary, accountable legislature and public service and an electoral system that ensures periodic, free and fair elections;

(b) Promoting, protecting and respecting all human rights, including the right to development, and fundamental freedoms, in particular:

- (i) Freedom of thought, conscience, religion, belief, peaceful assembly and association, as well as freedom of expression, freedom of opinion, and free, independent and pluralistic media;
- (ii) The rights of persons belonging to national, ethnic, religious or linguistic minorities, including the right freely to express, preserve and develop their identity without any discrimination and in full equality before the law;
- (iii) The rights of indigenous people;
- (iv) The rights of children, the elderly and persons with physical or mental disabilities;
- (v) Actively promoting gender equality with the aim of achieving full equality between men and women;
- (vi) Taking appropriate measures to eradicate all forms of racism and racial discrimination, xenophobia and related intolerance;
- (vii) Considering becoming parties to international human rights instruments;
- (viii) Fulfilling their obligations under the international human rights instruments to which they are parties;

(c) Strengthening the rule of law by:

- (i) Ensuring equality before the law and equal protection under the law;
- (ii) Ensuring the right to liberty and security of person, the right to equal access to justice, and the right to be brought promptly before a judge or other officer authorized by law

to exercise judicial power in the case of detention with a view to avoiding arbitrary arrest;

- (iii) Guaranteeing the right to a fair trial;
- (iv) Ensuring due process of law and the right to be presumed innocent until proven guilty in a court of law;
- (v) Promoting the independence and integrity of the judiciary and, by means of appropriate education, selection, support and allocation of resources, strengthening its capacity to render justice with fairness and efficiency, free from improper or corrupt outside influence;
- (vi) Guaranteeing that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person;
- (vii) Ensuring appropriate civil and administrative remedies and criminal sanctions for violations of human rights, as well as effective protection for human rights defenders;
- (viii) Including human rights education in the training for civil servants and law enforcement and military personnel;
- (ix) Ensuring that the military remains accountable to the democratically elected civilian government;

(d) Developing, nurturing and maintaining an electoral system that provides for the free and fair expression of the people's will through genuine and periodic elections, in particular by:

- (i) Guaranteeing that everyone can exercise his or her right to take part in the government of his or her country, directly or through freely chosen representatives;

- (ii) Guaranteeing the right to vote freely and to be elected in a free and fair process at regular intervals, by universal and equal suffrage, conducted by secret ballot and with full respect for the right to freedom of association;
 - (iii) Taking measures, as appropriate, to address the representation of underrepresented segments of society;
 - (iv) Ensuring, through legislation, institutions and mechanisms, the freedom to form democratic political parties that can participate in elections, as well as the transparency and fairness of the electoral process, including through appropriate access under the law to funds and free, independent and pluralistic media;
- (e) Creating and improving the legal framework and necessary mechanisms for enabling the wide participation of all members of civil society in the promotion and consolidation of democracy, by:
- (i) Respecting the diversity of society by promoting associations, dialogue structures, mass media and their interaction as a means of strengthening and developing democracy;
 - (ii) Fostering, through education and other means, awareness and respect for democratic values;
 - (iii) Respecting the right to freedom of peaceful assembly and the exercise of the right freely to form, join and participate in nongovernmental organizations or associations, including trade unions;
 - (iv) Guaranteeing mechanisms for consultations with and the contribution of civil society in processes of governance and encouraging cooperation between local authorities and nongovernmental organizations;
 - (v) Providing or improving the legal and administrative framework for nongovernmental;

- (vi) community-based and other civil society organizations;
- (vii) Promoting civic education and education on human rights, inter alia, in cooperation with organizations of civil society;

(f) Strengthening democracy through good governance as referred to in the United Nations Millennium Declaration 5 by, inter alia:

- (i) Improving the transparency of public institutions and policy-making procedures and enhancing the accountability of public officials;
- (ii) Taking legal, administrative and political measures against corruption, including by disclosing and investigating and punishing all those involved in acts of corruption and by criminalizing payment of commissions and bribes to public officials;
- (iii) Bringing government closer to the people by appropriate levels of devolution;
- (iv) Promoting the widest possible public access to information about the activities of national and local authorities, as well as ensuring access by all to administrative remedies, without discrimination;
- (v) Fostering high levels of competence, ethics and professionalism within the civil service and its cooperation with the public, inter alia, by providing appropriate training for members of the civil service;

(g) Strengthening democracy by promoting sustainable development, in particular by:

- (i) Taking effective measures aimed at the progressive realization of economic, social and cultural rights, such as the right to education and the right to a standard of living adequate for health and well-being, including food, clothing, housing, medical care and necessary social services, individually and through international cooperation;

- (ii) Taking effective measures aimed at overcoming social inequalities and creating an environment that is conducive to development and to the elimination of poverty;
- (iii) Promoting economic freedom and social development and pursuing active policies to provide opportunities for productive employment and sustainable livelihoods;
- (iv) Ensuring equal access to economic opportunities and equal pay and other rewards for work of equal value;
- (v) Creating a legal and regulatory framework with a view to promoting sustained economic growth and sustainable development;

(h) Enhancing social cohesion and solidarity by:

- (i) Developing and strengthening, at the local and national levels, institutional and educational capabilities to resolve conflicts and disputes peacefully, including through mediation, and to prevent and eliminate the use of violence in addressing societal tensions and disagreements;
- (ii) Improving social protection systems and ensuring access for all to basic social services;
- (iii) Encouraging social dialogue and tripartite cooperation with respect to labour relations among government, trade unions and employer organizations, as reflected in the core Conventions of the International Labour Organization;

2. *Requests* the Secretary-General to disseminate the present resolution as widely as possible.

81st plenary meeting

4 Decembre 2000

PROMOTION OF THE RIGHT TO DEMOCRACY
COMMISSION ON HUMAN RIGHTS RESOLUTION 1999/57

The Commission on Human Rights,

Bearing in mind the indissoluble links between the principles enshrined in the Universal Declaration of Human Rights and the foundation of any democratic society,

Recalling that all peoples have the right of self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Recognizing that democracy, development and respect for all human rights and fundamental freedoms are interdependent and mutually reinforcing, and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Recognizing also the rich and diverse nature of the community of the world's democracies,

Recalling the large body of international law and instruments, including its resolutions and those of the General Assembly, which confirm the right to full participation and the other fundamental democratic rights and freedoms inherent in any democratic society,

Resolved, on the eve of a new century and millennium, to take all measures within its power to secure for all people the fundamental democratic rights and freedoms to which they are entitled,

1. Affirms that democracy fosters the full realization of all human rights, and vice versa;
2. Also affirms that the rights of democratic governance include, inter alia, the following:

- (a) The rights to freedom of opinion and expression, of thought, conscience and religion, and of peaceful association and assembly;
- (b) The right to freedom to seek, receive and impart information and ideas through any media;
- (c) The rule of law, including legal protection of citizens' rights, interests and personal security, and fairness in the administration of justice and independence of the judiciary;
- (d) The right of universal and equal suffrage, as well as free voting procedures and periodic and free elections;
- (e) The right of political participation, including equal opportunity for all citizens to become candidates;
- (f) Transparent and accountable government institutions;
- (g) The right of citizens to choose their governmental system through constitutional or other democratic means;
- (h) The right to equal access to public service in one's own country;

3. Notes that the realization of all human rights—civil, cultural, economic, political and social, including the right to development—are indispensable to human dignity and the full development of human potential and are also integral to democratic society;

4. Urges the continuation and expansion of activities carried out by the United Nations system, other intergovernmental and nongovernmental organizations and Member States to promote and consolidate democracy within the framework of international cooperation and to build a democratic political culture through the observance of human rights, mobilization of civil society and other appropriate measures in support of democratic governance;

5. Requests the Office of the United Nations High Commissioner for Human Rights, in continuing and expanding its programmes and projects of technical cooperation to promote democracy and the rule of law, and in the context of the High Commissioner's activities in the promotion of human rights, to give priority assistance to such programmes and to promote democracy-related activities throughout the United Nations system;

6. Requests human rights treaty bodies, the Office of the United Nations High Commissioner for Human Rights and human rights mechanisms of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to pay due attention, within their mandates, to those elements of democratic governance outlined in paragraph 2 of the present resolution;

7. Requests the High Commissioner, in her report to the Commission at its fifty-sixth session, to reflect progress on the implementation of the present resolution;

8. Requests the Secretary-General to bring the present resolution to the attention of Member States, the competent United Nations organs and intergovernmental and non-governmental organizations and to disseminate it on the widest possible basis;

9. Decides to continue consideration of the matter at its fifty-sixth session under the same agenda item.

57th meeting

27 April 1999

[Adopted by a roll-call vote of 51 votes to none, with 2 abstentions. See Chap. XI.]

PROMOTING AND CONSOLIDATING DEMOCRACY
COMMISSION ON HUMAN RIGHTS RESOLUTION 2000/47

The Commission on Human Rights,

Bearing in mind the purposes and principles of the Charter of the United Nations, and reaffirming that one of the basic aims of the United Nations is to promote and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, colour, sex, language or religion, political or other opinion, national or social origin, property, disability, birth or other status,

Recalling its resolution 1999/57 of 27 April 1999 on promotion of the right to democracy,

Reaffirming the indissoluble link between human rights as enshrined in the Universal Declaration of Human Rights and in the international human rights treaties and the foundation of any democratic society,

Recalling that all peoples have the right of self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development,

Recalling also that in the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), it recommended that priority be given to national and international action to promote democracy, development and human rights,

Recalling further General Assembly resolution 53/243 of 13 September 1999 containing the Declaration and Programme of Action for a Culture of Peace,

Reaffirming its commitment to the process of democratization of States, and recognizing that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, and that democracy is based on the freely expressed

will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Reaffirming also that good governance, including through transparency and accountability, is indispensable for building peaceful, prosperous and democratic societies,

Aware of the crucial importance of active involvement of civil society in processes of governance that affect the life of people,

Recalling commitments undertaken by Member States for the promotion of democracy and the rule of law, within the framework of the United Nations and other international organizations,

Welcoming measures such as resolution 1080 of the Organization of American States, decision 141/XXXV of the Organization of African Unity and the Moscow Document on the Human Dimension adopted in 1991 by the Conference for Security and Cooperation in Europe, which commit member States to take certain steps in the event of an interruption of democratic government, as well as the 1991 Harare Commonwealth Declaration which commits members to fundamental democratic principles,

Encouraged by the wish of an increasing number of countries all over the world to devote their energy, means and political will to the building of democratic societies where individuals have the opportunity to shape their own destiny,

Noting the initiatives taken by the countries that participated in the first, second and third International Conferences of New or Restored Democracies, held respectively in Manila in June 1988, in Managua in July 1994 and in Bucharest in September 1997,

Noting that the Fourth International Conference of New or Restored Democracies is scheduled to be held in Cotonou, Benin, in December 2000, the initiative taken by Poland to host a meeting of Governments committed to the democratic path in Warsaw in June 2000, as well as the initiative of the Government of Mali to host in Bamako, in 2000, following the Final Declaration adopted

in September 1999 in Moncton, Canada, by the Eighth Summit of the International Organization of the Francophonie, an international symposium at ministerial level on the practices of democracy in the francophone areas,

1. Calls upon States:

(a) To consolidate democracy through the promotion of pluralism, the protection of human rights and fundamental freedoms, maximizing the participation of individuals in decision-making and the development of competent and public institutions, including an independent judiciary, effective and accountable legislature and public service and an electoral system that ensures periodic, free and fair elections;

(b) To promote, protect and respect all human rights and fundamental freedoms, in particular:

(i) Freedom of thought, conscience, religion, belief, peaceful assembly and association, as well as freedom of expression, freedom of opinion, and free, independent and pluralistic media;

The rights of persons belonging to national, ethnic, religious or linguistic minorities, including the right freely to express, preserve and develop their identity without any discrimination and in full equality before the law;

The rights of indigenous people;

The rights of children, the elderly and persons with physical or mental disabilities;

By actively promoting gender equality with the aim of achieving full equality between men and women;

By considering becoming parties to international human rights instruments;

By fulfilling their obligations under international human rights instruments to which they are parties;

(c) To strengthen the rule of law by:

(ii) Ensuring equality before the law and equal protection under the law;

Ensuring the right to liberty and security of person, to equal access to justice, and to be brought promptly before a judge or other officer authorized by law to exercise judicial power in the case of detention, to avoid arbitrary arrest;

Guaranteeing the right to a fair trial;

Ensuring due process of law and the right to be presumed innocent until proven guilty in a court of law;

Promoting continuously the independence and integrity of the judiciary and, by means of appropriate education, selection, support and allocation of resources, strengthening its capacity to render justice with fairness and efficiency, free from improper or corrupt outside influence;

Guaranteeing that persons who are deprived of their liberty are treated with humanity and dignity;

Ensuring appropriate civil and administrative remedies and criminal sanctions for violations of human rights, as well as effective protection for human rights defenders;

Including information on human rights obligations in training for civil servants, police forces and the military;

(iii) Ensuring that the military remains accountable to democratically elected civilian government;

(d) To develop, nurture and maintain an electoral system that provides for the free and fair expression of the people's will through genuine and periodic elections, in particular by:

(iv) Ensuring the right of everyone to take part in the government of his/her country, directly or through freely chosen representatives;

Guaranteeing the right freely to vote and to be elected in a free and fair process at regular intervals, by universal and equal suffrage, open to multiple parties, conducted by secret ballot;

(v) Taking measures as appropriate to address the representation of under-represented segments of society;

Ensuring, through legislation, institutions and mechanisms, the freedom to form democratic political parties as well as transparency and fairness of the electoral process, including through appropriate access to funds and free, independent and pluralistic media;

(e) To create and improve the legal framework and necessary mechanisms for enabling the wide participation of members of civil society—individuals, groups and associations—in the development of democracy, by:

(vi) Respecting the diversity of society by promoting associations, dialogue structures, mass media and their interaction as a means of strengthening and developing democracy;

(vii) Fostering, through education and other means, awareness and respect for democratic values;

(viii) Encouraging the exercise of the right to form, join and participate in non-governmental organizations, associations or groups, including trade unions;

(ix) Guaranteeing mechanisms for the involvement of civil society in processes of governance and developing cooperation between local authorities and non-governmental organizations;

(x) Providing or improving the legal and administrative framework for non-governmental, community-based and other civil society organizations;

(xi) Promoting active civil education and education on human rights, inter alia by organizations of civil society;

(f) To strengthen democracy through good governance by:

(xii) Improving the transparency of public institutions and policy-making procedures and enhancing the accountability of public officials;

(xiii) Taking legal, administrative and political measures against corruption, disclosing it and punishing all those involved in acts of corruption of public officials;

(xiv) Bringing government closer to the people by appropriate levels of devolution;

(xv) Promoting the widest possible public access to information about the activities of national and local authorities, as well as ensuring access by all to administrative remedies, without discrimination;

(xvi) Fostering high levels of competence, ethics and professionalism within the civil service, and its cooperation with the public, inter alia by providing appropriate training to the civil service;

(g) To strengthen democracy by promoting sustainable development, in particular by:

(xvii) Taking effective measures aimed at the progressive realization of economic, social and cultural rights, such as the right to education and the right to a standard of living adequate for health and well-being, including food, clothing, housing and medical care and necessary social services, individually and through international cooperation;

(xviii) Also taking effective measures aimed at overcoming social inequalities and eliminating poverty;

(xix) Promoting economic freedom and pursuing active policies to provide opportunities for productive employment and sustainable livelihood;

(xx) Ensuring equal access to economic opportunities and equal pay and other rewards for work of equal value;

(xxi) Creating a legislative and regulatory framework with a view to promoting sound and sustainable economic development;

(h) To enhance social cohesion and solidarity by:

(xxii) Developing and strengthening institutional and educational capabilities, at local and national levels, to mediate conflicts, to resolve disputes peacefully, and to prevent and eliminate the use of violence in addressing societal tensions and disagreements;

(xxiii) Improving social protection systems and working towards ensuring basic social services for all;

(xxiv) Encouraging social dialogue and tripartite cooperation with respect to labour relations among government, trade unions and employer organizations, as reflected in the International Labour Organization core Conventions;

2. Requests the Office of the United Nations High Commissioner for Human Rights and human rights mechanisms of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights to pay due attention, within their mandates, to the content of paragraph 1;

3. Also requests the United Nations High Commissioner for Human Rights, in her report to the Commission at its fifty-seventh session, to reflect progress on the implementation of the present resolution;

4. Further requests the Secretary-General and the High Commissioner to bring the present resolution to the attention of member States, the competent United Nations organs and intergovernmental and non-governmental organizations and to disseminate it on the widest possible basis;

5. Decides to continue consideration of the matter at its fifty-seventh session under the same agenda item.

62nd meeting

25 April 2000

[Adopted by a roll-call vote of 45 votes to none, with 8 abstentions.]

OAS 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 an 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.

OAS INTER-AMERICAN DEMOCRATIC CHARTER

Lima, September 11, 2001

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.