DEMOCRACY BY REGIONS: EMERGENCE AND DEVELOPMENT OF A REGIME TO PROTECT DEMOCRACY IN THE AMERICAS

by

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Abstract

Recently regional organizations in Africa and the Americas have developed mechanisms to protect and develop democracy among their member states. Crucial to these developments has been the adoption of clauses for the 'collective protection of democracy'. Nevertheless, wide variations in the scope and reach of such mechanisms among regional organizations suggest that the so called 'global norm of democratic governance' acquires different institutional forms across regions.

Institutional developments in the Americas suggest that the norm and practice of defending elected governments within the region has produced particular institutional arrangements. Particular understandings about legitimate governance and legitimate state action within the Inter-American System structure the institutional choices available to states and decision makers within the regional construct. Regions, as are states, are social constructions which produce social realities for those belonging to them, whether states or individuals. It is possible to think of regions as social kinds, which hold an identity and enact certain patterns of interaction that can account for the type of regional arrangements they do (or do not) produce to promote democracy.

Regional institutions and the mechanisms they put in place to promote and defend democracy respond to the particular historical and cultural development of each of the regions. The normative structures of the regional systems strongly influence ways in which the states within them decide to promote and develop democracy and the institutional choices they make for this aim.

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Dedication

To my sister and niece.

Language is as old as consciousness. It is practical consciousness which exists also for other men and hence exist for me personally as well.

-Karl Marx-

We are told to remember the idea, not the man, because a man can fail. He can be caught, he can be killed and forgotten, but 400 years later, an idea can still change the world. I've witnessed first hand the power of ideas, I've seen people kill in the name of them, and die defending them... but you cannot kiss an idea, cannot touch it, or hold it... ideas do not bleed, they do not feel pain, they do not love.

-Evey Hammond-

...I ought not to be subject to what you call your 'royal will', your caprice. Even the so called fictional beings have their internal logic.

-Augusto Pérez-

Acknowledgements

I can easily explain why this thesis happened. I had to write one. However, what is more important is how this thesis was made possible. It is most important because, contrary to myopic perceptions, this is more than the fruit of individual hard work. This thesis is a process in which different individuals and institutions have had crucial roles. The first institution I can think of is my family; Elia, Rodolfo, and Areli thanks for always being critical and supportive; the sceptical believers of this process at all its stages. The second is Tec de Monterrey and the great professors I found there. Thanks to Marta Ochman who I still remember telling me it would be a good idea to have paragraphs in a ten page essay. Also thanks to Dejan Mihailovic who insisted that reading Marx required quite more than knowing the alphabet and would never surrender the idea that one can lend significance to the world.

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Introduction

Recently regional organizations in Africa and the Americas have developed mechanisms to protect and develop democracy among their member states. Crucial to these developments has been the adoption of regional clauses and institutional mechanisms for the 'collective protection of democracy'. Nevertheless, wide variations in the scope and reach of such mechanisms among regional organizations suggest that the so called 'global norm of democratic governance' acquires different institutional forms across regions.

Recent research on the role of regional international organizations (IOs) suggests that such organizations might be helpful in consolidating democratic regimes and fostering liberalization. Jon C. Pevehouse has argued that new democracies have self-interest to lock-in their recently acquired democratic institutions and they find in regional IOs and regimes to protect human rights and democracy an effective means to do so (Pevehouse 2005, 15-45). Pevehouse's argument fails to provide robust mechanisms by which regional organizations will promote and protect democracy. This suggests that 'organization type' might matter since the mechanisms through which institutions act vary from organization to organization (Pevehouse 2005, 199).

Constructivist research has shown how institutions might help socialize national agents into compliance with democratic norms. However, most of the constructivist research on socialization has focused on how national culture, previously held understandings and national institutions might facilitate or hinder the process of socialization. Less attention has been paid to other social categories, such as regions. This gap in the literature is unfortunate because many IOs exist at the regional level and exhibit patterns of behaviour that are consistent with the existence of distinct regional normative frameworks (Santa-Cruz 2005c, Acharya 2004).

I contend that regional institutions and the mechanisms they put in place to promote and defend democracy respond to the particular historical and cultural development of each of the regions. The normative structures of the regional constructs strongly influence ways in which states decide to promote and develop democracy and the institutional choices they make for such aims. The

self-interest of states within regions is strongly informed by historical patterns of interaction within each regional setting.

This research is directed to address the problem faced by 'republican liberalism' when addressing the issue of the evolution of human rights regimes and regimes to defend elected governments (Moravcsik 2000, 217). Andrew Moravcsik has pointed out that the determinants for the evolution of international regimes and institutions might not be identical to those of their emergence; "a social process intervenes between original intent and ultimate evolution. Further research is required to clarify the precise dynamics of such long-term trends" (Moravcsik 2000 246). Similarly Pevehouse's argument does not specify the process by which regional arrangements are made to protect and develop democracy.

These social processes can be better grasped by a constructivist approach which regards social reality as being the product of social processes which in turn produce the structures within which social practices are (re)produced. Regional *constitutional structures* play the role of structuring states' preferences and facilitate certain outcomes over others. When states redefine their practices, norms, rules and institutions they debate about the legitimacy of the new rules as informed by previously acquired understandings of legitimate or acceptable behaviour (Reus-Smit 1997, 564).

While states might act out of 'self-interest' and put in place regional institutions to promote democracy, their efforts to pursue such interests are constrained by the intersubjective understandings about democracy within the regional setting. Regional intersubjective understandings will structure actors' interests *vis à vis* the option of producing collective arrangements to collectively defend democracy. As with previous constructivist research on norm adoption one can expect that regions with a strong rhetorical commitment to promote democracy, which hold a regional Pan-democratic identity and where the 'norm of democratic governance' is already developed will be more likely to produce institutional arrangements to protect elected governments.

I will show how the 'norm of democratic governance' acquired a specific institutional form in the Inter-American System which responds to a historical patter of interaction among the actors in the region and the endogenous development of a rhetorical commitment to democratic governance.

However, the process stages and development of the 'global norm of democratic governance' will vary across regions.

Chapter 1: Literature Review

Democratization: internal and external factors

Democratization studies have largely worked under the assumption, implicit or explicit, that there is a global trend toward democratization in the world. In his seminal work on democratization, Samuel P. Huntington outlined how the international context during the third wave of democratization, beginning in 1974, was conducive to the democratization of Southern Europe, Latin America and Eastern Europe. He contends, as do other scholars that, the international environment— as fertile as it was for fostering democratizing processes — bears little causal relationship with the actual transitions and that internal factors seem more prominent as independent variables for regime change than the international context. Referring to the East European transitions Huntington claims that the process of the Conference on Security and Co-operation in Europe (OSCE) "did not create democracies but it helped foster political openings in Eastern Europe and the Soviet Union" (Huntington 1991, 91).

Following the actual transitions to democracy, scholarly efforts to conceptualize and explain the strength and survival of new democratic regimes crystallized in the consolidation paradigm, in which behavioural and institutional approaches have been set forward to explain the causes of and paths towards democratic consolidation (Linz and Stepan 1996). The strengthening of national institutions, favourable societal attitudes toward democracy and the overall observance of democratic rules have seemed to provide measures by which to assess the strength and prospects for survival of the new democratic regime. Similarly, the literature on consolidation focuses primarily on 'domestic' politics, i.e. institutional design, civic culture and the strengthening of civil society (Diamond 1997, Diamond 1999). As Stephan Haggard and Robert R. Kaufman have noted, the most prominent perspectives on democratization have emphasized, the domestic structural preconditions which favour democratic transitions such as economic development or cultural affinity; or the contingent character of elite bargaining towards transitions (Haggard and Kaufman 1997, 275, Pevehouse 2005, 2, Whitehead 1996b, 16).

Laurence Whitehead has forcefully argued that this focus on 'purely domestic' bargaining processes overlooks the effective linkages of local elites to international or transnational actors and the ways these might affect their calculations about the bargain to be struck. In Whitehead's words, "one could go further, and propose that in such [international] conditions more than a few

of the key strategic actors may owe much of their success and effectiveness to their skill in interpreting and reacting to the international repercussions of their actions" (Whitehead 1996b, 19).

Whitehead's work, with that of others, could be classified under the rubric of 'democratic promotion'. This literature has been concerned with explaining the impact of transnational and international factors on democratization, whether at its transition or its consolidation stages. In order to assess the effects of democratic assistance/promotion, scholars have attempted to gauge the effects of different variables on the democratization process. Mark Peceny, for example, has looked at the role of US military intervention, while others such as Steven Levitsky and Lucan A.Way have looked both at the leverage that the West can have on particular transitional regimes and how linkage to the West might further the prospects for effectively promoting democracy (Levitsky and Way 2005, Peceny 1999). The consensus in the literature is that a mixture of linkage and leverage—defined as complex interaction (societal, geopolitical and communicational) and credible threats in the form of sanctions, respectively—furthers the prospects for those trying to promote democracy from the outside (Levitsky and Way 2005, 20).

Whitehead's work, however, underscored some novelties underpinning the third wave of democratization and the possibility that the influence of international factors will be enhanced after the actual transitions and be more prominent during the process of consolidation (Schmitter 1996, 47). Furthermore, Whitehead directs his analysis most prophetically to the formation of democratic communities of states which would both protect democracy inwards and promote it to third states (Whitehead 1996a, 398). In the new international setting, transnational actors, multilateralism and the overt push for democratization in third states will be supported by the enhanced legitimacy of democratic governance (Schmitter 1996, 47).

Thomas Franck has argued that there seems to be a 'trend' towards the recognition of an emerging right to democratic governance—which requires democracy to claim legitimate governance over a state—potentially challenging notions of unrestricted internal state sovereignty as the supreme constitutive institution in the international system (Franck 1992, 47). In Franck's account, the "entitlement to democracy in international law has gone through both a normative and a customary evolution" (Franck 1992, 90). His legalistic approach, however, seems to overlook the difficulties in transforming these emerging global norms of democratic governance into an assurance that legitimate governments should be protected from being overthrown by

totalitarian forces through collective action by the international community—which he claims to be a logical derivation from a global right to democratic governance (Franck 1992, 91).

Important attempts to bridge the gap between the 'domestic' and the 'international' have been advanced by international relations (IR) scholars who posited a series of explanations about the changing normative context. Most prominently, the constructivist school has shown how new normative developments empower local and transnational actors to organize collective action around principles of proper behaviour, and how norms might be instrumental in reframing issues; changing understandings about appropriate behaviour within a given issue area (Finnemore and Sikkink 1998). Audie Klotz, for instance, has provided significant evidence for the reshaping of US understandings of their interests in South Africa through the norm of racial equality coupled with linkage to democratic values, culminating in the push for democratization of the regime (Klotz 1995). As well, Kathryn Sikkink has shown that the development of human rights regimes and the work of transnational advocacy networks has been effective in pressuring governments to change or improve their human rights practices and were a source of pressure on authoritarian governments which led them to liberalize (Risse and Sikkink 1999, Sikkink 1993).[1]

Several factors suggest that the protection and promotion of democracy has been gaining international legitimacy. These factors include the emergence and development of regional regimes to protect elected governments in the Americas, Africa and Europe. Also intriguing is the fact that collective protection against the overthrow of democratically elected governments is a newly evolving practice in the world system; however, the practice seems to have been articulated mostly around regional regimes and organizations and these differ from region to region.

Neo-liberal Institutionalism: The Role of International Regional Organizations

Neo-liberals uphold that actors behave in an egoistic manner and will change their behaviour only if such a change maximises their overall utility. International regimes provide benefits to all of the members in the form of reduced transaction costs within a given issue area. Institutions provide a solution for international cooperation: they reduce the fear of defection by providing mechanisms of information sharing, monitoring and enforcement of international agreements (Keohane and Martin 1995, 45). However neo-liberal institutionalism faces problems explaining

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[1] According to scholarly work on democratization, elite divisions came from pressures to liberalize which started with 'controlled liberalization' and further unleashed the democratic process by providing a more fertile atmosphere for the opposition to organize. (see O'Donnell and Schmitter 1986p.9-11)

the emergence of regimes and institutions which do not seem to provide an international public good and, which rather than regulating state interaction regulate domestic issues—examples of such international arrangements are regimes that protect elected governments and human rights (see Moravcsik 2003, 218, Hopf 1998, Ruggie 1998).

Andrew Moravcsik has approached this problem by suggesting that self-interest derived from domestic societal pressure might prompt governments to freeze their policy preferences through international agreements; in Moravcsik's terms, the "republican liberal starting point for the problem at hand is to assume that international institutional commitments, like domestic institutional commitments are self-interested means of 'locking-in' particular preferred domestic policies—at home and abroad—in the face of future political uncertainty" (Moravcsik 2003, 226). Moravcsik argued against realists and constructivists that it was not powerful democratic states imposing their preferences on less democratic and less powerful states, nor were states acting out of principled belief; rather it was new democracies with a 'self-interest' in locking-in transition that pushed for stronger and more stringent agreements on human rights in Post-WWII Europe (Moravcsik 2003, 219).

Jon C. Pevehouse has advanced an argument about the role of regional IOs. Drawing on insights of 'republican liberalism' he contends that participation in highly democratic international institutions is conducive to having independent effects on the democratization process, whether during transition or consolidation. Pevehouse argues that international organizations might pressure participating states to liberalize by offering incentives and disincentives which will change the strategic calculations of the democratizing regimes and force them into compliance with 'democratic conditionality' (Pevehouse 2002, 611, Pevehouse 2005, 248).

Pevehouse divides his analysis into 'supply' and 'demand' terms and argues that transitional regimes face problems of assurance and commitment to national stakeholders. Thus, accession to an international organization, which makes membership conditional on the democratic credentials of a government, might offer assurance to different domestic audiences that the current government will not halt or reverse reform. Accordingly, international organizations might help bribe anti-democratic groups such as peasant organizations, which might align with anti-democratic elites. These benefits also outweigh the sovereignty costs imposed by the international commitments to protect and develop democracy (see Goldstein et al. 2003, Moravcsik 2003).

The supply side of the equation in Pevehouse's work is handled by assumption. The argument is that institutions with a highly democratic membership will supply the mechanisms to protect democracy in transitional democracies. Presumably, old and young democracies in international organizations face high audience costs for promoting or failing to promote democracy. Similarly, democracies would want to enhance their international status by promoting and defending democracy abroad (Pevehouse 2005, 46-76).

The more democratic the institution's membership (measured by the average of democratic scores of its members) the more likely it is that the mechanisms of enforcement will be effective, since democracies tend to be more transparent about their preferences and monitoring enforcement would be easier. A state trying to circumvent sanctions imposed by the organization on an authoritarian regime (or on a government which overthrows a legitimately elected government) would thus be easier to detect. Failure by the organization to protect elected regimes among member states would entail high domestic audience costs for its democratic members (Pevehouse 2005, 46-49).

Pevehouse tests his theory with six case studies in order to be able to provide the causal mechanisms for the correlations he finds in his large-N analysis. However, the evidence is fairly mixed; full support for his mechanisms appears in only one of the six cases. However, in his conclusions, Pevehouse suggests that 'organization type' might matter for the outcomes in each of the cases. The weakness of his causal mechanisms suggests that further conditions need to be specified regarding the supply side of the equation. Furthermore if, as he suggests in his conclusions, institutional variation matters for the outcomes, one must inquire into the supply side and explain such institutional variation (Pevehouse 2005, 213).

While neo-liberal approaches emphasizing the self interest of new democracies in locking in their transition seem to provide accurate evidence of this self interest they seem unhelpful in explaining institutional development over time (Moravcsik 2000, 246). This is most evident in Pevehouse's study since no evidence or test is provided for how regional IOs develop mechanisms to enforce 'democratic conditionality', nor does he provide evidence about how regional IOs make the promotion of democracy part of their objectives. While the contention that new democracies might have self-interest in locking-in 'democracy' is very plausible, there are obvious disparities among regions regarding the type of mechanisms the regional institutions developed to promote and defend democracy.

Constructivism: Socializing States into Democratic Practices

Constructivism regards ideational factors, such as self perception and perception of the other as crucial in explaining certain patterns of interaction and behaviour. The structure where agents with different identities interact is a product of intersubjective construction. Constructivist work has emphasized the role ideas play in (re)producing the structure of world politics and the way agents behave. Constructivists claim that states' interests are produced through interaction and cannot be assumed to be independent of the social context (Reus-Smit 1997, 516).That is, the structure is one constructed upon practice and interaction and institutions are an instantiation of such structural practices (Reus-Smit 1997, Wendt 1987, Wendt 1992, Wendt 1995, Wendt 1999c).

The role of regional organizations in socializing state elites into compliance with democratic standards has been studied by IR constructivist scholars. Jeffrey T. Checkel has advanced scholarly work on the impact of international organizations and their socializing effects; his work on different European institutions and how they promote normative change in their member or prospective member states has dealt mostly with the adoption of liberal standards of civil and political rights (Checkel 1997, Checkel 1999). He suggests that norm diffusion, the internalization of the norm and eventual behavioural change are highly dependent on the pre-existing normative structure of a given country (see Cortell and Davis 1996, Legro 2003, Sundstrom 2005). Checkel also stresses the importance of communicative action and the fact that argumentative rationality and truth-seeking might have a place in world politics (Checkel 2005b, Checkel 2003, Risse 2000, and Crawford 2002). According to Checkel, actors can be persuaded to change their behaviour if effective communicative action can take place between the persuader (the IO through its agents) and the persuadee (the state and its agents). Similarly, constructivist work on transnational civil society (TCS) and human rights has outlined the process by which state agents or elites are socialized into compliance. This work on human rights and transnational advocacy networks moved beyond the debate about whether actors change their behaviour as a matter or rational adaptation or out of principled belief; rather the process might involve both strategic adaptation and eventual socialization (Price 2003, Risse, Ropp and Sikkink 1999, Sikkink 1993).

Moravcsik's explanation provides evidence for the relationship between regime type, or degree of democratic development, and state preferences: democracies, new and old, prefer the rule of law to tyranny, peace to war, and tolerance for minorities to their oppression. Moravcsik contends that

ideational factors were less prominent in the development of the European Court of Human Rights (ECHR) since civil society actors and government officials who demanded human rights regimes appealed to goals such as the prevention of tyranny and genocide rather than referring to human rights as ends in themselves (Moravcsik 2003, 236). However, are not those interests—the prevention of tyranny, genocide, and aggression—the expression of behavioural claims related to a democratic identity? This rejection of constructivist explanations misrepresents the constructivist research on norm diffusion and the developments in the field. Earlier, Martha Finnemore and Kathryn Sikkink had advanced the idea that rational behaviour (means/ends rationalization) was certainly compatible with social construction in what they termed *strategic social construction* (Finnemore and Sikkink 1998).

Further work by Thomas Risse and Kathryn Sikkink has shown that the socialization processes by no means exclude rational behaviour. Indeed, central to their five stage spiral model of socialization is the notion that during the first stage of norm diffusion state actors might change their behaviour for purely strategic reasons, or utility-maximizing reasons (Risse 2000, Risse and Sikkink 1999). Moravcsik's either/or position resonates more with the so-called inter-paradigmatic debates than with current attempts to achieve synthesis between rationalist and ideational ontologies. Paraphrasing Richard Price, to state that moral persuasion rests on deontological arguments, as opposed to the instrumental character of self-interested behaviour, encourages the unhelpful dichotomy between rationality and principled beliefs (Price 2003, 590).

Constructivists argue that states' identities, such as a democratic identity, have a role in state interaction and international outcomes. In Wendt's words, "states are not only trying to get what they want, but trying to sustain the conceptions of Self and Other which generate those wants." (Wendt 1999, 316) Constructivists problematize that which neo-liberals and realists take for granted: identities and interests are not exogenously given but are (re)shaped through social practices and patterns of interaction. The liberal view is compatible with the notion that domestic factors can shift identities in ways that may change the system's structure; however, such identity change is not seen as being continuously in process or sustained by state interaction (Wendt 1999, 315-316).

Constructivist research is rich in insights of norm diffusion as well as behavioural change. It has developed a robust research agenda on the effects of international institutions on state behaviour. It has also outlined the processes and conditions under which some democratic norms will be

effectively adopted by the members or would-be members of international organizations (see Flynn and Farrell 2003, Johnston 2005, Schimmelfennig 2003). Such research, however, has concentrated mostly on Europe and its institutions and, as with the human rights research program, has looked at important components of the so-called 'democratic entitlement'. Nevertheless, recent regional developments in the Inter-American System and Africa, which generated arrangements to protect elected governments and develop democracy within their regions, beg for a refreshing of the research agenda. Therefore, I will ask how regions develop legal mechanisms to protect elected governments and what can account for the institutional variation across regions—some regions show more automatic mechanisms than others where *ad hoc* mechanisms have been put in place. My fundamental hypothesis is that regional normative structures strongly influence the ways in which different regions choose to protect democracy shaping the regional institutional arrangements (regional regimes) put in place to defend elected governments.

Chapter 2: Theory, Definitions, Methodology and Measures.

Cognitive Regions and Constitutional Structures

Beyond the socialization of national agents and the concomitant attention to national institutional, cultural and normative settings, less attention has been paid to other social kinds and subsystemic entities such as regions (Acharya 2004, 242). Amitav Acharya has argued that by emphasizing the idea of 'region' one might overcome the almost universal tendency of historians and IR scholars to focus either on the constituent units of the system or the international system as a whole (Acharya 2000, 244-250).

Regional *constitutional structures*, I contend, affect how different regions adopt certain global norms and the institutional arrangements they produce to enforce them. Amitav Acharya has called this process localization (Acharya 2004, 239). It is possible to think of regions as social types, which hold an identity and enact certain patterns of interaction that can account for the type of regional arrangements they do (or do not) produce to promote democracy. However, the shift here is towards seeing institutions—regional regimes to defend elected governments—as outcomes. Rather than trying to explain how institutions socialize certain agents, change patterns of behaviour, or secure the provision of a certain public good (these are the effects of institutions); the issue here is to explain how institutions (practices) adopted this or that form.

I assume herein that regions, as are states, are social constructions which produce social realities for those belonging to them, whether states or individuals. Emanuel Adler has revisited the Deutschian concept of 'security communities' and has defined regions as cognitive entities. Drawing on constructivist insights, Adler states that regions are "regional systems of meanings (an interdependent group of meanings among individuals or collectives)" (Adler 1997, 253). His conceptualization of regions is useful because it is one that allows for the analysis of intersubjective understandings guiding regional state behaviour and the types of identities that are produced and reproduced by the different actors within a given regional system.

Christian Reus-Smit has argued that the issue-specific regimes and organizations that modern states have constructed are instantiations of "deeper institutional practices that structure modern international society" (Reus-Smit 1997, 555). According to Reus-Smit, the modern state-system

has developed practices that reflect the constitution of the modern nation-state. The ideas of positive law and formal equality, the character of the legislator, and the idea that only those subject to the law are entitled to produce it, are notions that travelled from the contractrian, enlightened version of the state into the international system in the nineteenth century (Reus-Smit 1997, 577). It is crucial to note the contingent character that Reus-Smit attributes to constitutional structures; constitutional structures are culturally and historically specific. Reus-Smit defines *constitutional structures* as "coherent ensembles of intersubjective beliefs, principles, and norms that perform two functions in ordering international societies: they define what constitutes a legitimate actor, entitled to all the rights and privileges of statehood; and they define the basic parameters of rightful state action" (Reus-Smit 1997, 566).

Regions, as subsystemic entities, produce particular understandings of what a legitimate actor in the regional system is and how legitimate interstate action is defined; these understandings will structure the institutional arrangements put in place to protect elected governments. Sovereignty, as Reus-Smit puts it is not self-referential; meaningful sovereign practice appeals to higher values in the larger and complex set of discursive resources embedded in constitutional structures (Reus-Smit 1997. 565, Santa-Cruz 2005c, 19).

Reus-Smit stresses the importance of communicative action in the (re)production of constitutional structures and their instantiation under issue-specific problems of international collective action (Reus-Smit 1997, 559). He notes that, "when states formulate, maintain, and redefine their institutional norms, rules, and principles that facilitate international cooperation they engage in a process of communicative action. That is, they debate how legitimate states should, or should not, act" (Reus-Smit 1997, 564). From his perspective, and against rational approaches to institutional design, "it matters little whether, in an abstract rational sense, arbitration or multilateralism constitute a more *efficient* response to coordination or collaboration problems; what matters is that at particular historical moments states have deemed them the *right* response" (Reus-Smit 1997, 560). In the same line of argument, Wendt has suggested that "logics of appropriateness can affect the modalities used to design institutions, which as a result may be historically specific" (Wendt 2001, 1026). Historically and culturally specific regional inter-state systems generate normative structures that define not only what is it to count as legitimate statehood within the regional context but also "provide states with substantive reasons for action, which in turn exert a profound influence in institutional design and action" (Reus-Smit 1997, 566). Reus-Smit notes that the development of the western 'hard core' of the modern state-system evidently

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spread, through force or consent, through the rest of the globe. However, he recognizes that 'hegemonic structures' might be challenged. Notions of regional autonomy and separate regional systems with their own patterns of interaction and intersubjective understandings suggest that the world system is not as homogeneous regarding its *constitutional structures*. Pan-Americanism, Pan-Africanism, the Asian Way or even the idea of a Pan-Democratic Europe suggest that the *constitutional structures* organizing state behaviour within different regional-interstate-systems are helpful in explaining the form issue specific regimes take within each region. John Foster Dulles in 1917, for example, recognized that there was an American sentiment as being detached from European affairs with a separate orbit from Africa, Asia or any other region (quoted in, Mazrui 1967, 119). Therefore, I contend that regions produce regional regimes to protect democracy in accordance with a given pattern of historical interaction within them that can be represented as *regional constitutional structures*.

The Agent- Structure problem and Process Tracing

Arturo Santa-Cruz has advanced an argument regarding the role of regional constitutional structures in the development of the practice of international election monitoring (IEM). In doing so, he recaptures constructivist concerns with the structural dimensions of normative frameworks (Santa-Cruz 2005a, 644). He recovers Wendt's argument that structure and process are endogenous to each other since structure can only be realized in practice; enacting certain practices, interactions and discourses is the realization of structure (Santa-Cruz 2005a, 667-668). Wendt contends that "social structures do not exist apart from their instantiation in practices" (Wendt 1999, 313). By focusing on process within certain normative structural constraints one cannot but account for agency at the same time; structures define actors and their potential for transforming, and redefining practices. As Wendt notes, interaction among actors and the enactment of certain structures is always a process and as such it is defined by the fact that the Self and the Other and their boundaries are always at stake and therefore can change (Wendt 2001, 1020). Constitutional structures define not only who is a valid member of a given community but also what is it that, *hic et nunc*, counts as a valid argument (Santa-Cruz 2005a, 668). Constitutional regional structures can be thought of as communicative structures from where actors derive reasons for actions as well as arguments for justifying such actions; actors in regional constructs will draw on these resources to make sense of the way to solve particular problems. Thus, issue-specific regimes are instantiations of deeper constitutional structures which define an 'appropriate mode of problem solving' and a given time and place; regional regimes to protect democratically elected governments are examples of such instantiations.

Neo-liberal institutionalism has developed a robust research agenda regarding the effects of international institutions. The research focuses on the ways institutions help solve collective action problems through the provision of public goods and mechanisms of enforcement and information provision. However, neo-liberal institutionalists tend to explain the formation of international regimes and organizations by pointing out at how rational actors see these institutions as a rational means to maximize their utility functions. These institutions, neo-liberals argue, provide efficient outcomes in the form of greater net utility to each of the members of the organization or regime (however utility is measured). However, there is a tendency within the neo-liberal literature to portray the functions an organization performs as the equivalent of the reasons, or causes, by which it was put in place; as Wendt puts it, "this amounts to a functionalist claim: actors choose institutions because they expect them to have a positive function" (Wendt 2001, 1019-1049). Such a functionalist approach might render the impression that "the institutional functions described in large part *explain* the presence of particular institutional arrangements" (Pierson 2004, 107). This is the more evident when evaluating the 'supply' side of Pevehouse's argument about the role of regional international organizations in democratization processes. The line of argument is that democratic regimes within regional organizations will see it in their interest to promote and defend democracy, thus generating the institutional mechanisms by which to do it. However, it is still not clear how such agreements will come to be formed within regional organizations and what can account for regional variation regarding regimes to protect elected governments. As Reus-Smit has noted neo-liberal institutionalists face problems when trying to explain why states choose one institutional form over another (Reus-Smit 1997, 555).

A constitutional structures approach might overcome the functionalist pitfalls of neo-liberal institutionalism and show how the regime to defend and promote democracy in the Americas is an instantiation of the constitutional structures regulating the regional system. That is, the reasons to produce such a regime and its particular institutional form were made possible by the constitutional structures of the region and how states marshalled the normative underpinnings of the system to construct arguments about the nature and scope of the regime.

Self interest cannot alone account for the formation and evolution of such regimes. If indeed democracies had self-interest in promoting and developing democracy in third states they have other means available to do so. Democracies, with self-interest in promoting democratic

governance abroad, might reduce internal audience costs by pursuing those ends unilaterally with no need for international commitments. However, prevailing regional understandings about what 'makes sense' to do in order to protect and promote democracy might structure the way democracies (new and old) 'design', or not, institutions to protect democratically elected governments. Even actors with a strong self-interest for the articulation of stringent mechanisms to promote democracy might be constrained in their choices by the underlying regional-normative structures. Paul Pierson, for example, suggests that "in structuring institutional arrangements, actors may be motivated more by conceptions of what they believe to be appropriate than by conceptions of what would be effective" (Pierson 2004, 110). If indeed self-interested-rational democracies behave in the way portrayed by Pevehouse and Moravcsik, shouldn't one expect very similar institutional mechanisms across regional organizations? If one is to take regional organizations seriously one should look at the actual patterns of interaction, shared understandings and normative structures of the regions, which produce regimes to protect democracy. This is the task I undertake herein, by process tracing the development of the regime to protect elected governments in the Americas.

Process tracing has been part and parcel of the constructivist program for a long time, whether one traces meanings and how they are instantiated through certain practices (discursive or behavioural), how these meanings change or when is it that certain meanings become internalized and become standards of appropriate behaviour for actors which did not share those meanings with the broader community before; it has been through process tracing that most of the literature on normative change has been able to provide support for their claims of socialization effects and the decisive moments of communicative engagement (see Checkel 2005a, Price 1995, 73-103).

An explanation for the emergence of a regime to defend democracy in the Americas based on constitutional structures might seem to favour structure over agency and provide deterministic explanations. However, efforts to explain these social phenomena should avoid the fallacy of opposing structures and agency, and provide evidence of how actors draw on deep intersubjective understandings to support one institutional form over another. The analysis of social action "invokes an at least implicit understanding of particular social relationships (or 'rules of the game') in which the action is set—just as the analysis of social structures invokes some understanding of the actors whose relationships make up the structural context" (Wendt 1987, 338). Agents and structures are mutually constituted, social action redefines structures and these in turn redefine the identities and interests of actors within the system. Structural analysis does

not necessarily equate with the reification of structure over agency; "structures make a given combination or instantiation of elements possible, but they are not exhausted by whatever particular manifestation is actual" (Wendt 1987, 357). One must account for the mutually constitutive character of agents and structures inherent in constructivist IR theory (Wendt 1987, 355). Research on norm socialization by European institutions has tended to hold one side of the equation constant; socializing regional organizations are already in place. Rather, the turn is to treat the regional regime to promote democracy in the Americas as the dependent variable and the structural underpinnings of the regional-system as the independent one.

Process tracing will enable me to pin point the crucial moments of identity formation in the region, account for the regional constitutional structures and to present how the process of negotiation of the Inter-American Democratic Charter (IADC) produced a particular interpretation of the scope and reach of the regional regime to protect democracy. Process tracing and a dialectical conception of the agent-structure relationship, inherent to the constructivist approach, will be powerfully enhanced by a structurationist approach where neither social structures nor agents are perceived as independent of each other. According to Wendt, structures and agents are endogenous to each other, "structuration theory attempts to preserve the generative and relational aspects of structuralism while taking explicit conceptual and methodological steps to prevent the analytical separation of generative structures from the self-understandings and practices of human agents to prevent structural reification" (Wendt 1987, 355). Such methodological steps would entail 'bracketing' the process into a historical account of the development of the regional constitutional structures followed by attention to agency within the process of negotiation of the IADC given those social structures (Wendt 1987, 335-370).

In order to do this I will take a two-step analytical approach. The first step will consist of accounting for the constitutional structures of the Inter-American System. This can be done by tracing the foundational discourses of identity formation within the region, and historical accounts of what are the guiding principles which structure interstate action within the Western Hemisphere. The second step will consists of process tracing the development of institutional mechanisms to protect democracy within the Americas and how the choice for a specific type of arrangement was made through the process of negotiating the Inter-American Democratic Charter (IADC). In this way one is able to explain both how 'defending democracy' was possible and why it took the institutional form it did (Wendt 1987, 364).

I will show that 'self-interested' democracies are constrained by the normative underpinnings of the system in choosing the institutional form of regional regimes to protect democracy. The case of the Americas is exemplary since it is clear that democracies have a 'self interest' in locking in and protecting democracy. Even preferences for more stringent mechanisms are at times present. However, states had to structure their interests regarding the IADC according to the normative framework of the regional system and pursue those interests by appealing to regional norms.

Chapter 3 presents a case study bracketed in four distinct periods of state interaction in the Americas. The first two sections outline the normative structure within the regional construct along the lines of historical patterns of interaction and identity formation from independence to the Cold War. The two following sections show how the development of the Inter-American System and the Democratic Charter had to match the normative structures in the system and how actors structured their interests according to the normative underpinnings of the region. The fourth section shows how proposals of reform, which resonated less with the regional normative structure, faced huge impediments for their adoption as alternative institutional forms. The two sections of negotiations outline also whether the conditions for argumentative rationality to take place were met during the negotiations (Checkel 2003, 553, Müller 2004, 395, Crawford 2002, 466). Argumentative rationality involves truth seeking, actors engage in a process of weighing each other's arguments and their validity; successful arguments will be those that resonate better with previously held beliefs (Crawford 2002, 36). The logics of argumentation will be enhanced by the presence of five basic conditions according to Checkel: 1) the persuadee is in a novel and uncertain environment and thus cognitively motivated to analyze new information, 2) has few prior ingrained beliefs that are inconsistent with the new socializing message, 3) the enunciator is an authoritative member of the community, 4) the persuader does not lecture or demand, but, instead acts out principles of serious deliberative argument, 5) interaction occurs within a non politicized environment (Checkel 2005a, Checkel 2005 b. and Checkel 2003). Process tracing will help show how the adoption of the IADC in 2001 was preceded by a process where most of this conditions were met and how these were reflected in the process of negotiations. Furthermore it will be helpful in showing whether the conditions had changed by 2005 when attempts to amend the Charter were made. However, one must not forget that communicative behaviour is a continuum where at one extreme might be dominated by bargaining and the logics of consequences and reflect fixed preferences, while at the other extreme it might be dominated by the logics of argumentation and the pursuit of reasoned consensus (Santa-Cruz 2005c, 16).

The two-tiered process tracing that I will engage in will draw on secondary sources, historical diplomatic work and interpretative approaches to regional constructs, to outline the constitutional structures that underpin the regional interaction. The second tier, the dynamic part of the argument, will focus on the development of the regime of democratic governance in the Americas. I will pinpoint the different reasons, uttered by different actors, for adopting certain institutional forms for the regional protection of democracy. The sources I will use will be news reports from the printed and electronic media, press releases by international agencies, speeches and statements of government and NGO representatives, as well as published interviews and conference proceedings of the OAS and the memoirs about the negotiations of some crucial players. The aim is to find out whether the reasons uttered by the different actors are consistent among audiences and how deeply entrenched previous normative beliefs inform institutional preferences (Checkel 2005a, Cortell and Davis 1996, Crawford 2002). This process tracing can also account for changing preferences which, if consistent through time and audiences and actors, might signal change in the normative understanding governing interstate behaviour within the regional system (Checkel 2005a, 11).

The production of regional regimes to protect elected governments will be more successful in regions where the *constitutional structures* are a fertile ground. In the Americas the system is underpinned by intersubjective understandings that the identity of the region is one of a region of democracies as well as by the process of democratization in the region. This will answer how such regional regimes are possible. The analysis of the negotiations will provide evidence of how the *constitutional structures* play a dynamic role informing actors' preferences about the institutional form the regime ought to take.

Chapter 4 makes the heuristic exercise of comparing constitutional structures across regions in order to show the uniqueness of the Inter-American System. This section draws heavily on secondary sources and should be only regarded as an example of the possibility that regions may have different normative underpinnings, even when at the core of the modern international system the fundamental structures are western constructions.

Chapter 5 makes and analytical assessment of the evidence and addresses alternative explanations for the emergence of regional regimes to protect elected governments. Finally, I will present some conclusions regarding the role of constitutional structures and the emergence and development of

practices and institutions to protect elected governments; further research lines will also be suggested.

Measuring the Dependent Variable

International legalization has been explained in varied ways, as a means to reduce transaction costs or for locking-in preferred domestic policy outcomes. However international agreements differ in their degree of obligation, precision and delegation. In the case of legalizing democracy in the Americas the dominant argument is that transitional democracies would choose to 'legalize' democracy as a means to prevent backsliding (Moravcsik 2003, 217, Pevehouse 2005, 248). New democracies will prefer stringent legal mechanisms. However, old democracies and non-democracies will not, since they face high sovereignty costs. The concept of legalization, however, does not presuppose a given level of obligation, delegation, and precision across issue areas or institutional settings; nor does it assume that a specific combination of delegation, obligation, and precision might make agreements more or less stringent (Kahler 2003, 662). Kenneth W. Abbott, Robert O. Keohane, Andrew Moravcsik, Anne-Marie Slaughter and Duncan Snidal have provided the following definition for the concepts:

> **Obligation** means that states or other actors are bound by a rule or commitment or by a set of rules or commitments. Specifically, it means that they are *legally* bound by a rule or commitment in the sense that their behaviour there under is subject to scrutiny under the general rules, procedures, and discourse of international law, and often of domestic law as well. **Precision** means that rules unambiguously define the conduct they require, authorize, or proscribe. **Delegation** means that third parties have been granted authority to implement, interpret, and apply the rules; to resolve disputes; and (possibly) to make further rules (W. Abbott et al. 2003, 401).

In Moravcsik's account stable democracies might pursue less stringent mechanisms by reducing the precision, obligation and delegation of the agreement. By contrast, new democracies will try to make the agreement stronger by enhancing these components. Recent research has pointed out that the IADC's institutional arrangements to protect democracy in the Americas lack precision and delegation, however the obligation to protect democratically elected governments is high (Lutz and Sikkink 2003, 633, Pastor 2003, 15, Sundstrom 2003, 45). Through the process of negotiation one might expect stable democracies to have been against strengthening the delegation and precision of the agreement while new democracies tried to push for a more stringent agreement. While it is plausible that such positions were taken, the outcome of an IADC seems not to be explained completely by the individual preferences of stable and transitional democracies.

Potential 'brakemen' could have derailed the process of negotiation of the Charter at any moment since Canada (stable democracy) and the US (stable democracy), the Latin American Association for Integration (ALADI) and Caribbean Common Market (CARICOM) groups represent 28 out of the 34 members of the organization and most of them seem not to have a direct 'self-interest' for development of an IADC.[2] However, the 'need' to adopt an IADC seemed to have been unquestioned even by potential antagonistic states. Stable and transitional democracies seemed to be unable to question the appropriateness and practical need to adopt such an instrument.

It is not self-interest of new democracies and stable democracies that will prove constitutional structures of the Inter-American System irrelevant in explain the emergence of IADC. Rather, it is how self interests were structured by the normative context in the region that might prove constitutional structures as a meaningful explanatory variable. Even if there were strategic self-interests one might expect actors trying to frame their utterances in a way that is consistent with the constitutional structures underpinning the system. One would expect actors to make arguments in the form of: 'the agreement needs to consider higher order values or be consistent with previously held beliefs, rules, norms and decision making processes'. One might also expect actors to draw on the discursive stock of the normative structures and appeal for an appropriate institutional form even when pursuing self-interested goals. It is also expected that attempts to produce an agreement which run counter to previous understandings of legitimate state action will not be adopted.

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[2] ALADI members are Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, Ecuador, Mexico, Paraguay, Peru, Uruguay and Venezuela. ALADI member states between 2001 and 2005 represent a mixture of transitional governments (Mexico and Peru), consolidating democracies and non-democracies, however, it also includes the 'hard core' of the non-interventionist states in the Americas. CARICOM on the other hand, is composed by Antigua & Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Monserrat, St. Kitts &Nevis, Saint Lucia, St. Vicent & Grenadines, Suriname and Trinidad and Tobago. This group while concerned with non-intervention is characterized for its push to include issues of social justice, racial equality and climate change in the OAS agenda, the group often presents a 'common position' and but for the clear exception of Haiti most of them are regarded as 'stable democracies'.

Chapter 3: Emergence of and development of a 'democratic norm of the Americas'[*]

The Constitutional Structure of the Western Hemisphere: non-intervention and democratic governance

The Western Hemisphere Idea (WHI), as a social construction, arises out of both natural geography and historical human production: history of colonization, wars of independence and a notion of separateness from the Old World inform this idea of a Western Hemispheric system. As Arthur P. Whitaker has noted, "from its emergence in the late eighteenth and early nineteenth century to the present, the core of the Western Hemisphere Idea has been the proposition that the peoples of this Hemisphere stand in a special relationship to one another which sets them apart from the rest of the world" (Whitaker 1954, 1). According to Arturo Santa-Cruz, the Western Hemisphere Idea and its evolution represent the ideational structure that sets the conditions of possibility for state action and discursive engagement within the region of the Americas (Santa-Cruz 2005a, 666).

This construction of the idea of a Western Hemisphere developed through the constant opposition—and effective geographical distance—that the newly emerging states of the Americas actualized against Europe and its conservatism. The process of identity formation through opposition revealed a series of cultural, political and mythical continuities within the Hemisphere and set the stage for an imagined community of the Americas with a given pattern of interaction (see Adler 1997, Santa-Cruz 2005a). After independence Erika Pani notes that throughout the Americas, in "all the nations, with exception of imperial Brazil and the two failed monarchic attempts in Mexico, the adoption of nominal republican governments was imminent and irreversible" (Pani 2002, 425). Against monarchical absolutism, the emerging Latin American states espoused republicanism and against conservatism they adhered to liberalism.

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[*] All the translations from official documents of the Organization of American States and other references in Portuguese, Spanish and French languages were made by the author when an official version in English was not available.

It was within this context that statesmen from Washington to Buenos Aires, at different times, could think of a free America defined by its liberal values and republican constitutions (Pani 2002, 424, and Negretto 2002, 210). For example, the Mexican philosopher and statesman Lucas Alamán, referring in 1826 to the countries of the Americas, stated that "the similarity of their political institutions ha[d] bound them even more closely together, strengthening in them the dominion of just and liberal principles" (quoted in Whitaker 1954, 1). Such declarations portray a picture of a region defined by its republican character.

However, this imagined hemispheric unity does not imply harmonious (or cooperative) relations among the nations within the hemispheric construct (Wendt 1995, 74). The Western Hemisphere Idea as a normative structure entails neither cooperation nor a self-help system but, rather, produces order in the sociological sense as guidelines for state interaction (Santa-Cruz 2005c, 667). Thus, the same principles which united the Americas would be those that can account for their separation and would enable us to talk of a (sub)regional unit within the Americas: Latin America, as opposed to the United States, for example. The advent of the Monroe Doctrine of 1823 and the Latin American internationalism that led to the Panama Congress of 1826, the first Inter-American conference, set the arena for the development of the hemispheric schism.

As Whitaker notes, the Bolivarian ideal of a community of American nations was limited to Hispanic America. In Bolivar's conception such a union should have consisted of a collective security agreement among the countries of Spanish America; it would be founded on mutual sovereign recognition and the recognition of the right of non-interference (Boersner 1982, 80). The intention was to keep Europe out of American affairs through cooperation and multilateralism. For similar purposes but with an opposite character, the Monroe doctrine represented the unilateral rejection of European interests in the Americas. It is not clear what Bolivar's position regarding the Monroe doctrine was; however, his emphasis on excluding both Brazil and the US from the Panama congress of 1826 was founded on his distrust for Brazil's imperial regime and on the fact that both governments supported slavery. In fact there were concerns within the US that the Panama Congress would touch on the slavery issue (Boersner 1982, 80). In Bolivar's view, the liberal values of the newly independent countries were not compatible with slavery. In fact most of the early Latin American constitutions abolished slavery from the outset. The seeds both of non-intervention and of democracy permeated the political thought in the early international practice of the Latin American republics.

The Monroe Doctrine, which began as the unilateral expression of the US principle of non-intervention, slowly developed into an instrument of intervention in the Western Hemisphere. In 1902, a British attack on the Venezuelan coast—as an instrument of debt collection—prompted Argentinean Minister of Foreign Affairs Luis Maria Drago to promulgate what later became known as the Drago Doctrine. The doctrine was intended to be the economic corollary of the Monroe Doctrine; it rejected foreign intervention for the purpose of debt collection. However, the multilateral intentions of Drago overlooked the fact that the Monroe Doctrine was always an expression of the US unilateral position against intervention (Whitaker 1954, 86-88). Washington's response, between 1902 and 1903, to the Venezuelan reluctance to fulfil its debt obligations, and the consequent attack by British, Italian and German war ships, was to ask the European powers to retreat; in exchange the United States would make sure that Venezuela paid its debts (Boersner 1982, 149). The next year, Roosevelt proclaimed his Corollary to the Monroe Doctrine: seeing the blatant delinquency of the Latin American regimes, the US government feared that foreign intervention might be prompted by their wrongdoings. Roosevelt declared that the United States might "exercise international police power in 'flagrant cases of such wrongdoing or impotence' " (US Department of State). These are the constitutive fault lines within the Western Hemisphere. Latin American multilateralism, which rejected any sort of hegemony or tutelage, and the Monroe Doctrine, with its Corollary, were to clash on several occasions. The Gun Boat and Dollar diplomacy of the United States during the early twentieth century only exacerbated the cleavage between the Latin American (sub)region and the United States (Cottam 1994, 36).

In matters democratic, the fault lines seem to have been less severe. The democratic commitment of the Americas owes much to the example of the US revolution and its constitution and has figured strongly in the region since independence (Paz 1984, 19). Bolivar, in his famous Angostura Speech in which he addressed the Venezuelan Congress after relinquishing the dictatorial powers he had been entrusted by it, stressed the significance of democracy in the constitution of the Hemispheric system: "by constituting itself as a democratic republic, [Venezuela] has proscribed monarchy, distinctions, nobility, *fueros* and privileges: declared the rights of men and the liberty to do, think, speak and write" (quoted in, Barrón 2002, 271-272). The appropriateness or desirability of representative governments in Latin America was almost unquestionable; even Agustín de Iturbide instituted a congress in the First Mexican Empire (Barrón 2002, 270).

From its genesis, the democratic ideal within the western hemispheric system seems to have been deeply entrenched among the elites. Symptomatic of the deeply embedded democratic values in the Americas is the fact that despite the abrupt developments of fratricidal wars and constant regime change from republic to dictatorship and back, all dictatorships have invariably legitimated their rule and the suspension of democratic freedoms on the needs imposed by exceptional circumstances (Barrón 2002, 244). Gabriel L. Negretto has posited that in the emerging Latin American regimes, the development of strong executive powers and central governments, as well as the consistent use of rules of exception within their democratic institutions, were not a sign of the anti-democratic character of the Latin American elites but a response to the effective imperatives of state building; "thus the liberal republic was born [in Latin America] as a representative government which had the difficult task of achieving an equilibrium between civil liberties and a strong centralized government" in an effort to build a strong state that could cope with constant internal uprisings and external threats (Negretto 2002, 221).

Dictatorial regimes in Latin America were, most of the time, transitional by definition since they drew their legitimacy from the promise of an eventual return to democracy whenever the circumstances would permit it, whatever those circumstances might have been (O'Donnell and Schmitter 1986, 15). According to Octavio Paz, the moral authority of democracy in Latin America is unquestionable and it is the more so since the frequent *coups d'état* have not dimmed its legitimacy and dictators have assumed power already promising to recover democratic institutions as soon as the circumstances allow. These are, says Paz, "fundamental phenomena about whose signification there has been little attention: until the second half of the twentieth century, no one dared to doubt that democracy was the historical and constitutive legitimacy of Latin America" (Paz 1984, 22). This was different from the United States where democracy effectively took root as a political system. However, one must avoid such simplifications as the notion that democracy is not meant for Latin Americans or the idea that Latin American transitions to democracy are a historic novelty; on the contrary, democracy in Latin America is an age-old aspiration, almost genetic (Mihailovic 2003, 107).

The development of the norm of democratic governance found its roots in the hemispheric sense of separateness from the old world. However, the historical development of Latin America, in which state building was one of the main concerns, reduced the Latin American options for consolidating effective democratic regimes. Nevertheless the rhetoric commitments of the Latin

American elites should not be downplayed since, without such rhetorical commitment, further developments for the protection of democracy in the Americas might have been absent. One should avoid the temptation of equating norm robustness with behavioural acquiescence; one could easily find certain patterns of behaviour and correlate them to any norm. Norms might be robust even when contested (Finnemore and Sikkink 1998); it is the discursive recourse to a norm through time and across actors (authoritative actors) in the system that might prove consequential in actualizing certain practices over others (Cortell and Davis 1996, 456, Crawford 2002, 27).

After several historical developments, including a history of intervention by the United States in the Americas and the rise of the US as a world hegemonic power, the configuration of the western hemispheric system and its guiding principles found their epitome in the Charter of the Organization of American States (OAS) adopted in Bogotá, Colombia in 1948. Article 5 of the 1948 Charter declared: "The solidarity of the American States and the high aims which are sought through it require the political organization of those states on the basis of effective exercise of representative democracy" (quoted in, Santa-Cruz 2005a, 672).However, the OAS Charter also states in Article 3 (a) and (b) that: "International law is the standard of conduct of States in their reciprocal relations. That International order consists essentially of respect for the personality, sovereignty, and independence of States and the faithful fulfilment of obligations derived from treaties and other sources of international law"(OAS 2006).

As Santa-Cruz has noted, in spite of the importance that Latin American elites had traditionally attached to representative government and human rights, non-intervention came to be the paramount principle of international practice within the Inter-American System (Santa-Cruz 2005, 40). This is the constitutional structure of the current Inter-American system with its guiding principles of non-intervention and democratic governance. These structures define both what a legitimate actor is in the system and what counts as appropriate behaviour. This is the structure that sets the conditions of possibility for transnational advocacy networks activities and election monitoring to take place within the regional system. It is important to bear in mind that, these structures are porous and socially constructed and are constantly (re)produced through different practices— nevertheless as culturally and historically contingent as these structures are they shape social realities within the system.

The norm of democratic governance in the Inter-American System

Even if the construct of a collective identity in the Hemisphere as a community of democracies had been at times a 'vacuous and cynical'—rhetorical—representation of the hemispheric identity, the new conditions provided for the re-articulation of the democratic commitments of the community of states within the Western Hemisphere in the wake of World War II. The old commitment to form an association of democratic states which would secure democratic governance in the region through legal international mechanisms became a plausible reality. Contrary to hegemonic accounts or 'Western-centric' intuitions, the leading actors in such moves were Latin American countries.

The Central American countries were at the forefront of the creation of an Inter-American Democratic clause; with the Treaty of Peace and Friendship in 1907 and later in 1922-1923, the Central American republics recognized that democratic breakdown (through coups d'état) represented a threat to peace. Central American governments would not recognize any de facto government brought about through coup or revolution; and even when constitutional order had been restored those governments would not be recognized if the elected members had been participants in the overthrowing coup or revolution (Herdocia Sacasa 2005, 8-11).

Heraldo Muñoz and Santa-Cruz have noted that, it was as early as 1945—before the formation of the OAS—that the Uruguayan minister of foreign affairs Dr. Enrique Gonzalez Larreta, "addressed a note to the other American governments in which he proposed multilateral action to defend democracy and human rights"(Vaky and Muñoz 1993, 73); Larreta wrote on November 21,1945: "the purest respect for the principle of non-intervention of one state in the affairs on another…does not protect unlimitedly the notorious and repeated violations by any republic of elementary rights of man" (quoted in, Santa-Cruz 2005a, 673). Larreta also stressed the 'parallelism' between democracy and peace and the importance of making that parallelism a norm of action within the Americas (Santa-Cruz 2005c, 673). However, Larreta's position stopped short of washing away the principle of non-intervention. In 1958, Venezuelan President Arnoldo Betancourt coined what came to be known as the Betancourt Doctrine which stressed that non-democratic regimes in the Americas "ought to be subjected to a rigorous cordon sanitaire and eradicated by the collective peaceful action of the Inter-American juridical community" (quoted in, Santa-Cruz 2005a, 676).

The present Inter-American System with its underlying constitutional structures contained in the Western Hemisphere Idea is a product of the reorganization of the world order in the wake of World War II. The OAS Charter of 1948 was indeed the product of the broader initiatives to create international organizations but, more precisely, it was an attempt to codify the principles of acceptable behaviour within the hemisphere which had emerged and developed through interaction since the nineteenth century. Viron P. Vaky has characterized the OAS Charter as containing an 'implicit bargain': "in return for U.S. non-intervention in their internal affairs, the Latin American countries would support the United States internationally and accept collective responsibility for security in the hemisphere" (Vaky and Muñoz 1993, 11).

In spite of the 'tacit agreement', the Cold War was soon felt in the Americas. Unilateral interventions of the United States in Guatemala (1954) and the Dominican Republic (1965) fuelled the old Latin American suspicion about the designs of the US in the region and made it clear that Washington still reserved its right to act unilaterally within the hemisphere (Vaky and Muñoz 1993, 11). As Santa-Cruz has noted, "the advent of the Cold War led Latin American states to an increasingly maximalist interpretation of the non-intervention principle" (Santa-Cruz 2005c, 40); the principle of non-intervention was hierarchically prior to any other duty within the system.

Military dictatorships remerged in the wake of the Conference of Bogotá which slowed the development of the institutional framework to protect democracy in the hemisphere; "between 1948 and mid-1954, half a dozen democratic regimes were overthrown and replaced by military dictatorships" (Vaky and Muñoz 1993, 74). Throughout the Cold War, the US position towards the hemisphere was one of support for anticommunist regimes whether these were democracies or military dictatorships. The US propensity to intervene covertly or overtly in Latin American affairs drew the US and Latin America further apart during this period. For the Latin American region, where the principle of non-intervention is accorded an almost sacred status, the unilateral leanings of the US in the 1970s and 1980s seemed to signal the demise of the OAS. The Falklands crisis, the invasion of Grenada and the US position toward Central America in the 1980s all seemed to show the ineffectiveness and futility of the organization; the US invasion of Panama in 1989 "seemed to be the final nail in the coffin"(Vaky and Muñoz 1993, 11).

However, even if the context of the Cold War the security concerns of the US and its support for dictatorial anti-communist regimes slowed down the codification and development of the norm of

democratic governance, it did not stop it. In the Second Special Inter-American Conference held in Rio de Janeiro in 1965, a resolution entitled *Informal Procedure on Recognition of de Facto Governments* was passed. The resolution stated that when the *de facto* governments showed their willingness to hold elections within a 'reasonable' time each member government shall decide whether or not to maintain diplomatic relations with such governments (Vaky and Muñoz 1993, 76).

Even though the resolution seems shallow, and it had to be given the historical context, its relevance is highlighted by the same context which rendered it a vague mechanism; at the height of the Cold War and just after the Cuban missile crisis, the legitimacy of *de facto* governments and their recognition was bound to their commitment to restore democracy at some point in time. As O'Donnell and Schmitter have noted, most of the authoritarian regimes in Latin America derived their legitimacy from the promise of transition to or restoration of democracy; similarly, the Inter-American system recognized that the regional legitimacy of such governments could only be derived from their 'commitment' to restore democratic rule (O'Donnell and Schmitter 1986, 15). In other words, the Inter-American-System has been strongly informed by a shared understanding of sovereignty in which democratic governance has been the hallmark of legitimate statehood and non-intervention is regarded as the fundamental norm of action within the hemispheric system. Non-intervention and democratic governance provide the background intersubjective understandings for a *Lebenswelt* of the Americas (Reus-Smit 1997, 564-565, Santa-Cruz 2005c, 287, Crawford 2002, 69).

The end of the Cold War and the Renewal of the Inter-American System

The advent of the third wave of democratization in Latin America furthered the prospects for a community of democracies in the Americas. This time, reality seemed to match the legal wording of the OAS Charter and the age-old rhetorical commitments of the Latin American elites. As Robert A. Pastor notes, "in the 20th Century, numerous declarations proclaimed a 'hemispheric community of democracies'…a wondrous phrase, but it was not the first time that the nations of the Americas declared such a commitment" (Pastor 2003, 15). Throughout the 1980s and 1990s, most of the countries in the Americas had shifted from authoritarian regimes to electoral democracies. However, reality struck soon: the regimes in Latin America seemed fragile, and further democratic development and deepening lagged (Farer 1996, 3).

The fragility of the democracies in the southern end of the hemisphere became evident during the 1990s and the renewal of the Inter-American System was set forth in order to address the issue. The 1990s saw a rapid production of legal documents which amended the OAS Charter and recognized a more important role for the organization in order secure democratic governance. The process of renewal of the Inter-American System also granted the organization the authority to undertake collective action to restore democracy in the region. The process was gradual, starting with the Protocol of Cartagena de Indias in 1985 and followed by the Santiago Commitment and Resolution 1080 in 1991, which gave the secretary general the authority to call for a special ministerial session in case of breakdown of the constitutional order in any member state should it be necessary to assess the measures to be taken to restore constitutional rule; Resolution 1080 recognized only the most flagrant and common *coups d'état* as a trigger for collective action (Santa-Cruz 2005b, 191). Also in 1992, the OAS Charter was amended through the Protocol of Washington; a new instrument was enshrined in Article 9 of the organization's charter that provides for the suspension of a member state whose government has been overthrown by force (OAS 2006).

Resolution 1080 was invoked four times during the 1990s: to address the constitutional crises that arose in Haiti (1991), Peru (1992), Guatemala (1993) and Paraguay (1996). In three of the four cases, the OAS secured elected governments, while in the case of Peru it obliged Fujimori to restore constitutional rule and call for a constituent congress. All of the four cases displayed variation in the mechanisms by which the organization persuaded (pressured) the coup plotters and Fujimori to restore constitutional order through a mixture good offices, threats of sanctions and bilateral pressure (Santa-Cruz 2005b,131-134)

The process for the renewal of the Inter-American system was given a new push with the Clinton administration's proposal of a Summit of the Americas Process (SAP). The first of the Summit of the Americas took place in 1994 and it was a meaningful breakthrough in Inter-American relations because it was the first time since 1967 that a US president had attended an Inter-American Conference. The agenda for the Summit in Miami included the topics of economic integration, democratic development, regional integration, and sustainable development, but economic integration seemed to dominate that first Inter-American Summit. (Santa-Cruz 2005b, 135)

By 1998 there was a general feeling that the negotiation for economic integration had stalled and that new problems should be addressed within the framework of the Summit. Andrew F. Cooper noted that by the spring of 2001 there was "a nagging concern loom[ing] that the momentum toward establishing a free-trade hemisphere ha[d] stalled and that several countries [were] backsliding in democracy" (Cooper 2001, 159). The Peruvian constitutional crisis of 2000 made it clear that Resolution 1080 was a limited instrument in that it only recognized *coups d'état* as the sole trigger for collective action to protect democratic governments and left other sorts of constitutional breakdown, such as the executive elimination of the separation of powers, without remedy. At Windsor, Canada, during its 30th General Assembly meeting, the OAS was incapable of overcoming the non-interventionist concerns of the Latin American countries and an *ad hoc* resolution had to be implemented to allow a High Level Commission to go to Peru and focus on the creation of the necessary conditions for free and fair elections to take place in the future (Cameron 2003, 107). The failure at Windsor informed the Quebec Summit in 2001, where heads of state adopted a 'democratic clause' for the Summit Process and mandated their representatives at the OAS with the task of strengthening the organization's mechanisms to promote and protect democracy.

The transitional Peruvian government was the leader and architect of the Democratic Charter. Peru was able to secure a supporting coalition composed of Canada, the US, Costa Rica and Argentina. Except for Argentina and Peru the rest of the coalition incorporated the three most stable democracies in the region. The coalition soon watered down the Peruvian proposal, specifically eliminating a provision which would link the Permanent Council the General Assembly and the Inter-American Commission of Human Rights for the purpose that the "the commission could be mandated to evaluate and decide over cases of grave alterations of the constitutional order in the member states" (OAS 2001b). It was the Peruvian government who "scored a major coup in its negotiating strategy, by obtaining a mandate from the assembled heads of State the Québec Declaration to negotiate the charter without showing them an actual copy of the draft." (Legler 2003, 61)

The process of renewal of the Inter-American System, which started with the Santiago declaration of 1991, found its climax with the adoption, by acclamation, of the Inter-American Democratic Charter on September 11th 2001 in Lima, Peru. As Ellen L. Lutz and Kathryn Sikkink have noted, the development and codification of the norm of democratic governance in the hemisphere has confirmed rather than created an "emerging regional consensus, but they offered normative

justification and institutional mechanisms for the OAS and member states to respond forcefully and immediately to military coups in the region, helping to prevent nascent dictatorships from becoming established" (Lutz and Sikkink 2003, 654).

Lutz and Sikkink have emphasized too that the effective responses of the organization within the framework of Resolution 1080 and the Protocol of Washington were mainly ad hoc measures since the degree of obligation and precision of the norm had evolved through the 1990s, while delegation had not. Under Resolution 1080 and the Democratic Charter, a special meeting of foreign ministers has to be called in order to assess a situation and decide on the measures to be taken. I contend that the competing norms which inform sovereign practice in the Americas—non-intervention and democratic governance—make the adoption of ad hoc measures preferable over automatic procedures which could involve some form of delegation. The process of negotiation of the Inter-American Charter in 2001 and the attempts to reform it in 2005 might show how: even as new democracies might have an interest in locking in their regime, the constitutional structures ·in the region favour *ad hoc* mechanisms over a high degree of delegation. This means that the mechanisms utilized by the organization are different from case to case (Santa-Cruz 2005b, 123).

The Inter-American Democratic Charter as a Process of Communication

Several scholarly works on the role of argumentation in international politics have stressed the need to see in argumentation a form of legitimation for action in which successful argumentative engagement might produce intersubjective understandings of what can or ought to be done regarding a particular situation (Checkel 2005, Checkel 2003, Müller 2004, Reus-Smit 1997, Crawford 2002). Santa-Cruz has advanced the argument that interaction among states in the Western Hemisphere has created a *Lebenswelt* of the Americas which sets the stage for communicative action and argumentation. This *Lebenswelt* defines the actor's identities—their moral authority (or lack thereof) to enact certain arguments—and the relative value of the possible arguments that can be enacted. In Santa-Cruz's words: "those [reasons/arguments] that are more closely related to the fundamental values of the constitutional structure resonate louder. Only actors that conform to the discourse of the constitutional structure are deemed legitimate" (Santa-Cruz 2005c, 287).

The process of negotiation of the Inter-American Democratic Charter exemplifies the process by which legitimate actors construct arguments that resonate with the broader normative structure in

the Hemisphere. The process of negotiations from San José de Costa Rica in June 2001 to the adoption of the Charter in Lima that year shows how states engaged in argumentation about such questions as: What was being debated? What was the charter meant to be and how it could be made compatible with the general principles of the organization and the hemispheric system? (Crawford 2002, 19-42).

In Costa Rica, the General Assembly of the OAS decided to create a working group for the elaboration and revision of the Inter-American Democratic charter. The group was presided over by Colombian Ambassador Humberto de la Calle and it handled the task by submitting the draft resolution to different regional groupings within the organization for its evaluation. As Ambassador Esteban Tomic Errázuriz put it, OAS had "applied a new way of working within the Permanent Council and discovered the importance of working in groups (OAS 2001d). The proceedings of the working group were confidential; however, Ambassador de la Calle's statement to the Permanent Council is revealing as to the agreements that were reached. He referred to the interventions of the different delegations as being "anchored to the constitutive Charter of the OAS and immediate precedents actualized through the process of the Summit of the Americas and the Declaration of Nassau." (OAS 2001d) The general agreement was to avoid producing a document that would carry more obligations than those already presented in the OAS Charter and the already existing arrangements to protect and develop democracy.

The working group was divided into four main groups each of which voiced similar concerns about the Charter. At the Permanent Council in September 2002, it became clear that the different delegations were concerned about the legal status of the declaration. This was evident across the different groups (CARICOM, ALADI and the US and Canada.). Concerns were expressed about what was being negotiated and about the principles that should guide such negotiations; only after such principles were laid down could the Permanent Council agree to submit a resolution for the signature of foreign ministers at Peru later that year. Brazil was eager to point out that any draft resolution should be revised. Ambassador Valter Pecly Moreira spoke before the council, saying: "one of the first questions which we have to tackle in this respect is the juridical nature of the Democratic Charter" (OAS 2001d). Brazil, along with the rest of the Latin American countries, requested the Inter-American Juridical Commission to make observations to the project resolution and submit it to the Permanent Council for consideration. Ambassador Lionel Alexander Hurst from Antigua and Barbuda voiced similar concerns when asking the Permanent Council to refrain from referring to the draft resolution as an act. In the Ambassador's words:

> **...an act is a draft piece of legislation that has not yet been adopted by parliament. When it is adopted it becomes law. We're just a little bit uncertain about calling something an act when, in fact, it is a resolution...there has been little bit of word inflation here, because we are calling this 'The Inter-American Charter' when in fact it is a resolution...I'm not sure it is appropriate to take it one step further and call it an act, knowing fully well that we are adopting a resolution. As a consequence, we would want an opportunity to consult with a few people in Antigua and Barbuda and certainly a few other Caribbean scholars before we proceed with this (OAS 2001d).**

Concerns were raised about the attempts by some delegates to proceed to the adoption of the Charter in the Permanent Council or produce a declaration containing it. This is relevant since it showed that governments were still puzzling about the appropriateness and nature of the Charter; uncertainty about what was being debated brought out the need to re-state the general agreements that had been reached through the Working Group Process (Crawford 2002, 19). It was again the representative from Brazil who best synthesized the nature of the understandings reached by the Working Group Process. In the words of Ambassador Moreira:

> **Brazil calls the attention on the understanding that the actualization of the instruments for the defence and development of democracy is needed and justifiable given the new realities in the hemisphere, such actualization must be construed regarding full respect to the essence of the fundamental principles enshrined in the OAS Charter, among which there is non-intervention, as the norm of International Law which dictates the conduct of states and their relations and due respect for the personality, sovereignty and independence of states (OAS 2001d).**

Furthermore, there seemed to be widespread consensus that the means which would be used to restore democracy and which would be established through the democratic charter ought to be harmonized with the deeper understandings of sovereignty in the region. It was clear from the statements of the Latin American and Caribbean countries that the democratic charter should not be a source of punitive action and that it ought not to be understood as an attempt to dictate the way a democracy should work in a given country. Brazil was again the clearer presenter of this position; as Ambassador Moreira noted, the Democratic Charter should not be transformed into an instrument of cultural imposition of pre-determined policies and thereby neglect the diversity that exists among the different political systems in the Americas which are the product of the historical evolution of each country. Moreira also stated that "the instruments of the Charter, more precisely those concerning the Democratic Clause, ran the risk of becoming hegemonic instruments of tutelage and imposition" (OAS 2001d). Mexico voiced similar concerns when ambassador Miguel Ruíz Cabañas stated in Washington that respect for the singularities and the differences of the national juridical systems should be taken into consideration in the strengthening of the democratic commitments of the organization (OAS 2001d). This position is

consistent across members of CARICOM, ALADI, and Canada and the US. As Ambassador Roger Noriega recognized, the US understood the Charter as being "in conformity with OAS Charter and with international law...the United States understands that this Charter is not establishing new rights or obligations under domestic or international law." (OAS 2001d) However, the US refrained from publicly addressing the Latin American and Caribbean consensus that the Charter should not have a punitive character and should avoid attempts to impose political models on the countries of the Americas. It is in his memoirs of the negotiation that Ambassador Noriega pointed at the issue: as he put it, the Charter, "is not a cookie-cutter approach and it does not anticipate rushing to suspend a member state. In fact the dissuasive influence or proactive, preventative measures contemplated under the Charter are perhaps its most important contribution" (OAS 2001b). Just a year after the adoption of the Democratic Charter, Ambassador Noriega addressed Latin American concerns about the impression that the Charter and its mechanisms might be reserved for the weak states and identified the instrument as binding both the weak and strong players in the hemisphere (OAS 2002).

Delegations puzzled not only about how to make the Charter compatible with the normative understandings regulating state interaction in the hemisphere as enshrined in the Charter of American States, they also presented varied positions as to relationship and mutual standing of the seemingly contradicting norms of non-intervention and democratic governance—the latter being almost by definition the negation or dilution of the former. State representatives engaged in a process of finding out the 'good' interpretation of the two principles. It was clear that the process of elaboration of the Inter-American charter involved the logics of argumentative rationality in which state representatives engaged in truth seeking (Müller 2004, Reus-Smit 1997, Risse 2000, Crawford 2002). It is to this process that Minister Didier Opertti, at the plenary session of the General Assembly in Lima, referred in saying: "fundamentally, beyond the text, this Charter is directed to the renovation of a worldview, a way of understanding things, a method of both interpersonal and state relations..." (OAS 2001c)

Argumentations about the proper standing and hierarchical ordering of the norms within the system had different expressions. However, the clearer statements about norm collision came from the Latin American governments. The US clearly avoided the topic of non-intervention in its public statements. The assertions of the Latin American governments revolved around the non-conflicting nature of both principles and the consensus seemed to have been that both principles were compatible and non-exclusive; as Ambassador de la Calle noted, "there is certain dialectical

equilibrium between the concepts (which in the past appeared to be mutually exclusive) of democratic promotion and non-intervention...this equilibrium is attained by understanding that the heart of the organization is based in the effective exercise of democracy..." (OAS 2001b). Octavio Paz noted this relationship between non-intervention (sovereignty) and democracy in Latin America in 1984 when he wrote: "democracy and independence are inseparable complementary realities: losing the former is losing the latter and vice versa." (Paz 1984, 11) Some delegations went further than this in asserting the relationship between democracy and human rights and how, given the higher normative status of human rights, it was logically sound to suggest that the protection of democracy should have higher standing than the principle of non-intervention. However, these statements fell short of declaring the obsolescence of the principle of non-intervention. It was Paraguayan Minister José A. Moreno Ruffinelli who perhaps best expressed the consensus as represented also in the document adopted in Lima. Moreno Ruffinelli asserted:

> in consonance with the opinion of the Inter-American Juridical Committee, the Democratic Charter represents the development of the norms contained in the hemispheric juridical order...instead of resurrecting the false dilemma between two cardinal principles of the OAS, defence of democracy and non-intervention, this document finds the precise formula, avoiding the mutual neutralization of the principles and the concomitant paralysis, appeal to a just middle can harmonize the validity of both (OAS 2001c).

It is probably the Democratic Charter itself that provides the clearest picture of the consensus that was reached regarding the nature of the charter and the hierarchical standing of the principles of non-intervention and democratic governance. The document approved by the OAS on September 11, 2001 at Lima states in its preamble that that the promotion and defence of democracy should be regarded as indispensable for peace and security in the region and that the purpose of the defending and promoting of democracy ought to observe due respect for the principle of non intervention (OAS 2001e). Under Chapter IV of the Charter, Articles 17 to 22 spell out the provisions to collectively defend democracy in the hemisphere. The wording clearly reflects the negotiations and interpretations of the process started at San José in June 2001. As stated in 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 (OAS 2001e).

This article addresses the concerns of the Latin American and Caribbean governments about the necessity to evaluate each crisis or possible crisis in the most flexible manner, avoiding attempts to dictate a model of democracy or solution that might resemble hegemonic impositions or tutelage. It is a standing Inter-American understanding that a country that invites the organization to participate in its internal affairs is making a sovereign decision; thus the principle of non-intervention allows for intervention through petition (Vaky and Muñoz 1993, 79). The Charter also delegates little authority to non-deliberative bodies of the organization in order to secure the emphasis made by Latin American and Caribbean governments on collective action based on good offices and diplomatic efforts rather than resorting directly to any sort of possible sanctions. It is probably Octavio Paz who can best describe the consensus of intersubjective understandings that was brought about through the process of negotiation of the Charter. Rather prophetically, Paz wrote in a manner devoid of the diplomatic language which he also knew well, that "it is not about abandoning the principle of non-intervention rather, it is about giving it a positive content: we want democratic and pacific regimes in our continent. We want friends, not armed agents of an imperial power." (Paz 1984, 11) The use of force and intervention, covert or overt, are conspicuous by their absence in the public declarations of the process of negotiation; however, they inform the historical precedent over which Brazilians, Mexicans and Venezuelans talk about respect for the diversity of political systems, fears of tutelage and hegemonic imposition of models (candidates, dictators, NGOs).

While consensus seemed to have been reached through the Working Group Process, it was evident that some uncertainty remained as to what the Charter was and what would be its implications if adopted by the General Assembly in Peru during the General Assembly's special session. However, the environment generated within the organization for the production of the charter was certainly conducive to effective communicative action among the different delegations. It was highly important, as noted by the repeated assertion of the different delegates that the project of a Democratic Charter came from the Peruvian government. The delegates recognized the high moral status of the Peruvian government and its transitional government after President Fujimori was obliged to resign in 2000 due to an internal corruption scandal. As stated in the memoirs of the negotiation presented by the Permanent Mission of Chile in the OAS, "Peru was the first great promoter of the initiative which lead to the adoption of the Inter-American Democratic Charter (OAS 2001b). The speeches of the different delegations lauded the leadership, high moral authority and flexibility in the position of the Peruvian government

There was also a sense of newness of the situation and the environment provided by the Process of the Summit of the Americas and the fact that for the first time in history, most of the members of the organization had democratically-elected governments. It was clear that the atmosphere of the negotiation was one in which no one tried to impose any outcome and where all the sides were amenable to the interpellation presented by the rest of the delegations. Moreover, a search for the 'true' interpretation of the principles that regulate the Inter-American seemed to overcome fears of imposition or lecturing by any of the actors. As Minister Ruffinelli noted in the General Assembly at San José in June 2001, "all the delegations…participated with a truly democratic spirit, looking to sustain their positions without ignoring those of the others and trying to find points of consensus" (OAS 2001a).

High 'politicization' of the process was avoided through the Working Group Process and by breaking down of the negotiations into (sub)regional groups. However, strong prior understandings about appropriate behaviour within the regional system provided for a rather ambiguous (re)interpretation of the relationship between non-intervention and the collective defence of democracy. Deeply entrenched normative understandings were difficult to overcome and as Ambassador Tomic from Chile recognized, the success of the process of negotiation of the Democratic Charter was that, ironically, the delegations had not gone beyond,

> **in the operative part of the charter, of what is dictated by the existing norms since the last decade, which are the Santiago Commitment and resolution AG/RES 1080(XXI-0/91), which establishes a mechanism for regional reaction against coups d'état. However, two important things have occurred: we have codified such norms and provided definitions as those contained under chapter I, which summarize the hemispheric understandings about the value and import of democratic governance (OAS 2001a).**

Evidence from the proceedings of the negotiation of the Inter-American Democratic Charter suggest that states engaged in a serious attempt to conceptualize the meaning of the Charter, its juridical standing, and the way to conciliate the previous juridical and normative understandings within the regional system. That is, they were trying to make sense of what was being debated and what was a possible and reasonable solution for the stated goal of adopting a Democratic Charter for the Americas (Reus-Smit 1997, 564). Most of the conditions that would ensure effective communicative action were present: the Summit of the Americas Process and the Peruvian initiative provided novel conditions within the Inter-American System; the Peruvian delegation figured, by its recent experience, as an authoritative member of the community; the Peruvian government as main promoter of the charter did not lecture or demand, instead it was

perceived as being engaged in serious deliberation; also, the working group implemented by the Permanent Council avoided an over-politicization of the environment. However, the deeply entrenched norm of non-intervention was in short order washed away and was instead interpreted as essential to the effective defence and promotion of democracy in the best of the Latin American tradition (see Checkel 2001, 562-563).

Fort Lauderdale and the US failure to add teeth to the Inter-American Democratic Charter

The enthusiasm that surrounded the adoption of the Democratic Charter at Peru, accompanied by general consternation about the terrorist attacks of September 11,2001, prompted several remarks about the historical and groundbreaking character of the Charter. Participants, commentators and observers all agreed that the so called 'new multilateralism' had engendered fruitful results at Lima. As Andrew F. Cooper has noted:

> **A greater voice of civil society coexisted with the primacy of an intergovernmental system. Cross-cutting coalitions bent the culture of consensus but established institutions were not circumvented through 'end runs' as in the land mines case. In combination, the push and pull of these different ingredients meant that initiative retained an awkward quality, full of compromises and controversy, and with some unexpected detours (Cooper 2004, 92-113).**

Just a year after the adoption of the Charter, Latin American and Caribbean concerns that the charter might turn into a hegemonic instrument to target regimes not amenable to Washington surfaced again. In September 2002, presiding over the Permanent Council, Roger Noriega stressed the need to apply the Charter and called on the importance the document might have in bringing Cuba back into the Inter-American System (OAS 2002). Later that year on April 11, the US position towards the *coup d'état* orchestrated against president Hugo Chavez from Venezuela seemed to confirm the concerns about the multilateral commitment of the US government. However, the OAS was able to recover constitutional order in the country, put Chavez back in power, and make arrangements for a constitutional referendum in order to legitimize Chavez's rule against the US preferences (Santa-Cruz 2005b, 137-139).

In his memoirs of the negotiation of the Charter, Ambassador Noriega, by 2003, was already pointing at the cases in which the Charter had been inefficient and to the need to strengthen it; by pointing at specific countries, specially those which are not regarded as friends of Washington within the hemisphere, Noriega was already signalling a departure from the consensus that had been achieved in terms of democratic promotion which was to be in complete accordance with the principles of the OAS Charter. The consensus stressed that protection and promotion of

democracy in the Hemisphere, should respect the juridical independence and personality of all states of the hemisphere and that it should not be an instrument of tutelage against the weak and specially those regimes which Washington regarded as foes (OAS 2001b).

Policy commentators on the Inter-American Charter had identified, as Noriega did, several weaknesses regarding the document. Robert A. Pastor, Lisa Sundstrom and Andrew F.Cooper have all noted that the toothless character of the document is expressed by its vague wording about the conditions under which collective action to protect democracy should be undertaken (Cooper 2003, Pastor 2003, and Sundstrom 2003). These authors, as did several other policy research institutes and NGO's, while recognizing some breakthroughs, pointed out some major problems with the Charter: 1) there is no clear parameter by which to judge the threat to democracy that would trigger the OAS mechanism, 2) reliance on state consent compromises the ability of the organization to act and 3) the need of a 2/3 vote in the General Assembly to suspend a member might render highly politicized and inefficient outcomes which will come on an *ad hoc* basis. However, these were exactly the consensuses that were reached through the negotiating process and which made the document acceptable to all parties.

The road to the 35th Session of the General Assembly in Fort Lauderdale, Florida was paved with difficulties. Even a year earlier, the Mexican news paper, La Jornada stated in its March 19, 2004 edition: "The Bush administration had abandoned its rhetorical compromise to support democratically elected governments and announced that it reserves its right to oppose any government or regime in the hemisphere, even to promote regime change, if they perceive that they have 'failed or do not support the US." (Cason and Brooks 2004) Weeks before the meeting took place, press reports were already mentioning the difficult task that the American governments would face there. At the Permanent Council of the Organization, just a week before the meeting of the general assembly in Fort Lauderdale, the Permanent Mission of Panama presented a proposal to the Council regarding the constitution of a 'Group of Analysis and Preventive Action' to evaluate the democratic situation of each state by monthly terms in order to prevent democratic backsliding. However, the ALADI representatives made it clear that such a proposal was unacceptable under the principles of the OAS Charter. After the meeting of the Permanent Council, the Mission of Panama decided to withdraw their proposal (La Republica 2005).

Earlier that year, former US president Jimmy Carter had called attention to the need to strengthen the Democratic Charter and voiced concerns similar to those presented by Cooper, Sundstrom, and Pastor on January 25, 2005. At the II Academic Roundtable, held in the context of the meeting of the General Assembly in Fort Lauderdale on June 3, 2005, the Carter Center proposal was examined by a group of academics and NGOs from the hemisphere. The proposal resembled Panama's proposal and called for automatic mechanisms for early response and more access of civil society in order to empower NGOs to bring cases of democratic breakdown before the OAS (Rosenberg 2005). In declarations to the press on June 5, Secretary of State Condoleezza Rice asserted that the US was looking forward to giving teeth to the Inter-American Democratic Charter. She pointed out the need for a range of mechanism which would include the possibility to "have one that even citizens could appeal to, and we have talked about the possibility of civil society being able to bring concerns to some mechanisms of the Organization of American States."(Rice 2005)

However, tensions between Venezuela and the United States had been mounting since 2002, and by the time the General Assembly was to meet in Fort Lauderdale, there was a perception by almost every delegation attending that the push to strengthen the Democratic Charter by the US was an attempt directed to garner support and add legitimacy for a more interventionist stance through the OAS (AFP/DPA 2005). The tensions were exacerbated after the inaugural intervention of Secretary Rice before the General Assembly. In her speech, Rice asserted that the new mechanisms the US was proposing were in no way intended to be punitive; in Rice's own words, "the Democratic Charter must become the core of a principled, effective multilateralism for the Americas. Together, we must insist that leaders who are elected democratically have a responsibility to govern democratically" (Rice 2005).

In that speech, Rice omitted any mention of 'intervention' in any form and focused on the need to devise mechanisms to protect and develop democracy more effectively. However, her declarations a day before had not been well received by the rest of the member states, especially the ALADI group and CARICOM, who felt that the agenda was drifting away from the purpose of the meeting which was to approve a declaration on 'Delivering the Benefits of Democracy'. The declaration was to address issues of economic development and social justice. While the CARICOM countries stressed the importance of development and how poverty and exclusion are perceived as a burden for democratic governance and a probable source of instability, they did not

confront the US directly on the issue of developing new mechanisms for the Democratic Charter. However, the ALADI group stepped forward to confront and reject the US proposal.

Minister Celso Luiz Amorim from Brazil presented what seemed to be a shared position among ALADI members that the practice of defending elected governments had observe due respect for the right of non-interference and the diversity of political systems within the hemisphere (Amorim 2005). Similar concerns were voiced by the delegations of Uruguay, México and Paraguay. Minister Luis Ernesto Derbéz conducted an interview on June 6 in which he stressed that: "The Mexican preoccupation, in any case, is to avoid the misinterpretation that any mechanism could be used as a mechanism which pretends that the OAS should operate as an arbiter and definer of what democracy, its operation and functioning, should be in any country" (Derbez 2005).

Different from the experience of the negotiation of the Inter American Charter, the conditions for effective dialogue and deliberation were not present at Fort Lauderdale. The United States was perceived as demanding, or lecturing, during the process of negotiation (Checkel 2003, 562-563). The highly politicized environment rendered the process to be defined more by a middle ground between the logics of appropriateness and consequences than those of argumentative rationality (Risse 2000, 4). States engaged in little truth seeking; rather they reaffirmed the previous consensuses around the standards of appropriate behaviour in the region as a product of the history and political development of the hemisphere and the more recently acquired understandings about the 'true' nature of the Inter-American Charter. The conditions for achieving a consensus on 'new mechanisms' fell short of those required (Checkel 2005, Checkel 2003, Müller 2004, Reus-Smit 1997, Crawford 2002); there was a common understanding that the current mechanisms, as they were, represented the best match with the normative structure of the hemisphere. Ambassador Amorim recognized, as did Secretary Rice, that the organization had participated (intervened, in Rice's words) in the promotion and defence of democracy in the past and it would continue to do so (Amorim 2005, Rice 2005). Lastly, the position of the US was not new to the Latin American countries which have been shown to be effective in preventing the hegemonic dominance of the US in the decision-making process within the organization (see Shaw 2003).

Chapter 4: A Heuristic Device

Comparing Regional Normative Structures and the norm of democratic governance

Westphalian understandings of sovereignty underpin the modern international system. Sovereignty in the most traditional sense is understood as comprising territorially differentiated political units exercising political authority. John G. Ruggie has further noted that "we can define the most generic attribute of any system of rule as comprising legitimate dominion over a spatial extension" (Ruggie 1993, 148) John G. Ruggie, Robert H. Jackson, and Mark W. Zacher have all noted how the institution of sovereignty has evolved through time and how its constitutive elements, as territoriality, population and legitimate rule, have acquired different standards through international practice and international law (see Jackson 1987, Ruggie 1993, Zacher 2001). The standard of legitimate rule has also changed accordingly; most notably, the development of human rights regimes has challenged the notion of unrestricted rule and set a standard of legitimate ('civilized') rule across the globe (Price 2003, Reus-Smit 1997, Risse, Ropp and Sikkink 1999, Sikkink 1993).

However, the macro-structures of international politics, or what Reus-Smit would call hegemonic constitutional structures of the world system, are not monolithic. As evidence of their change (evolution) has been shown; and can accommodate certain particular types of (sub)systemic normative understandings (Reus-Smit 1997, 584, Santa-Cruz 2005c, 18). Different regions will produce different understandings about meaningful sovereign practices according to their particular cultural and historical traditions that will make certain particular practices and institutional forms more feasible than others (Reus-Smit 1997, 555). Amitav Acharya and Arturo Santa-Cruz have shown how particular understandings of a 'regional identity' might influence the process of norm adoption or norm emergence. The social facticity of regions implies that there are differences among collectives of states that can account for their sense of 'us' (Santa-Cruz 2005c, 287, Acharya 2004, 239). Different patterns of interaction and historical development can account for particular understandings about terms which determine what counts as a legitimate actor in each region, and what defines legitimate state practice.

The norm of democratic governance and the regional regimes set in place to protect elected governments will thus vary from region to region. The global trend that Franck envisioned is

heavily shaped by regional constitutional structures. The case of the Americas exemplifies how the institutional form to protect democracy has to reconcile two colliding norms which inform legitimate sovereign practice and how a regime with relative high levels of obligation but low levels of precision and delegation was the best match among the options available and the constitutional structures of the regional system.

Developments in Europe, Africa, and to a lesser degree in South East Asia, might be illustrative of how the particular regional/normative settings play a crucial role in explaining the institutional form taken by regional regimes to protect democracy. The particular rules, norms and special decision making procedures that are put in place (or not) to protect democracy at the regional level, respond to broader international underpinnings of the system, but actualize regional understandings of legitimate rule and the moral propose of the state (Reus-Smit 1997, 555, Acharya 2004, 239).

Europe: The development of regimes to protect democracy in Europe can be easily traced back to the Post-WWII order with the development of the process of European integration and the formation of an identity of a liberal community of states (Schimmelfennig 2003, 47). Most significant was the development of human rights regimes after the moral burden imposed on the 'civilized' Europe by the atrocities of WWII. The Helsinki Process helped clarify the normative standing of both the principle of non-intervention and democratic governance in Europe which culminated with the conferences of Copenhagen and Paris in 1990. Through this process, the recognition of democracy as the only legitimate form of government was expressed, but more importantly it was made clear that in the European interstate system the norm of democratic governance was hierarchically prior to the norm of non-intervention (Flynn and Farrell 2003, 505). Today, Europe is regarded as the most successful example of a regime to protect democracy through a very different set of institutions that have made democratic governance part of their portfolio (NATO, EU, CoE and OSCE). The institutional toolkit is very varied; however, in general terms, there is a higher degree of delegation and precision of the regime than in the Americas. Particularly crucial is the ability of the institutions to 'dictate' parameters of appropriate behaviour regarding the practice and form of democracy to associate or full members of particular organizations, most notably, the European Union and the Council of Europe. The regional system has also developed a wide range of mechanisms by which the precision and delegation of liberal norms of citizenships and human rights are enforced and monitored by permanent bodies with the attributions to interpret and rule over such issues further strengthening

the precision of norms through delegation. (Flynn and Farrell 2003, 505, Moravcsik 2003, 217, Schimmelfennig 2003, 47, Waever 1998, 69).

Africa: African identity as a region was strongly informed by Western ideas of statehood. However, its distinctiveness was constructed around the way those principles played a role in the broader battle for de-colonization and state building. Self-determination and territorial integrity came to play a fundamental role in the constitution of the region's interstate patterned interactions. However, these were mixed with broader conceptions of Pan-Africanism and that which Ali A. Mazrui has termed the pigmentalization of legitimate statehood, and a wedded principle of majority rule with the principle of racial sovereignty (Mazrui 1967, 287). Respect for territorial sovereignty and the right or non-interference was the hallmark of relations among states in the region. These principles were enshrined in the Charter of the Organization of African Unity (OAU) (Mazrui 1967, 118). Membership in the community of African States was (and probably is) strongly based on the principle of de facto control and whether the government was 'racially' representative (Mazrui 1967, 287). That is, the standard of legitimate statehood was defined by the 'racial' 'representativeness' of the regime, whatever its form was and the observance of the sacrosanct principle of non-intervention. Different from Latin America, there were few utterances about the 'liberal democratic' character of the Pan-African relations and the right of non-interference was not observed towards those African countries under 'white' rule (Gottschalk and Schmidt 2004, 139). The end of the Cold War and incipient democratization processes during the 1990s, as well as the perceived failure of the OAU to promote peace and security, led to its demise and to the institution of the African Union (AU). The Union's charter is groundbreaking: it recognizes democracy as essential for developing peaceful relations and generating development and growth. The Charter of the AU recognizes the right of the organization to intervene in a state where grave violations of human rights are taking place. However, it is clear that African leaders are turning a blind eye to certain regimes (Gottschalk and Schmidt 2004, 147). A Peer Review Mechanism was created through the New Partnership for Africa's Development. However, the new agreements, as in Latin America, seem to emphasize consent by the reviewed government and the non-punitive character of the program (Gottschalk and Schmidt 2004, 153). Commentators note that the African institutions might just be another expression of the grandiose and un-realizable Pan-African ideal. However, at least rhetorical commitment has been made, and even codified under regional statutes, to the need of the organization to respond to the new demands and the broader international context (Baimu and Struman 2003, 37). Non-intervention is reaffirmed in the AU's charter and, given the character of the Peer Review

Mechanism, it seems that it has higher hierarchical standing than the rhetorical commitment to protect democratically elected governments. The region's development suggests that the form of the institutions taken to protect democratically elected governments had to find a middle ground between non-intervention and democracy. However, there are some important differences from the American case; for instance, there seems to be a different understanding as to what means of intervention are adequate ones; there seems to be little doubt in Africa that military intervention is not ruled out (see, Mazrui 1967 and AU, 2006). From its inception, the idea behind the continental system in Africa regarded it as central to keep imperial powers out of African affairs, putting forward the idea that a *Pax Africana* could only be achieved by furthering the idea of a self-policing Africa (Mazrui 1967, 204-205). Legitimate military action without UN approval in the Americas, by contrast, would simply be unthinkable.

South East Asia: Similar to the African case, South East Asia developed a strong interpretation of the Westphalian notion of sovereignty. Territorial integrity and non-intervention were the hallmark of the newly independent regimes in the region. The fortification of the norm of non-intervention has been interpreted by commentators as a practical necessity for state building in the wake of decolonization to maintain the Cold War confrontation out of the region (Acharya 2000, 90). The formation of ASEAN reflected a need to adopt regional solutions to regional problems in a very specific way. The distinct nature of diplomatic relations in South East Asia developed through a shared understanding that stability was crucial to the region and for such ends, respect for international law and sovereign authority were essential; this implied the preservation of the "territorial and political status quo" (Acharya 2000, 127). The Asian Way embraced by ASEAN focused on economic cooperation and recognized the legitimate role of the members of the organization as states which emphasized the need for economic development. Peace and development were the goals the organization gave itself. The 'developmental state' could be regarded as the legitimate actor *par excellence* within the regional organization. However, this would be an oversimplification of the ASEAN Way, which stresses the importance of development and the peace in the region but it avoids formal mechanisms and legalistic procedures. The regional consensus is also one in which quiet, non-confrontational diplomacy is preferred over adversarial posturing. This strengthens the import of the norm of non-intervention. Different from the OAS and AU cases, ASEAN appears to have been successful in achieving its objectives of creating a zone of peace and development. Recent developments in the 1990s produced the Asian Regional Forum (ARF) which brought the Western powers and China to the same table as ASEAN countries. Nevertheless, at its first meeting in 1994, the principle of non-

interference was recognized as the fundamental norm of conduct of the ARF. As Acharya points out, it seems that the basic norm hierarchy remained unchanged in the region (Acharya 2004, 259). More clearly, ASEAN and the regional normative structures have no place for democratic governance since there are no restrictions on membership based on regime type (Acharya 2004, 236). It is probably the sense of success that the organization has achieved that prevents radical changes regarding the promotion and defence of democracy; all this is coupled, of course, with the relatively undemocratic nature of the regimes that compose the organization. Acharya has noted that the strength of the norm of non-intervention has prevented the adoption of models similar to the regimes to protect democracy in the Americas, Africa or Europe. The debate has opened in the past years as new democratic governments within the organization have pushed for some form of engagement, although the effects of democratization on the organization and the region remain to be seen.

Even while Westphalian notions of state sovereignty underpin the international system, regional interpretations of the standing of the principles of non-intervention and the evolving norm of democratic governance acquire different social meaning and hierarchical ordering across regional structures and practices among states. While there seems to be an actual pattern starting with state democratization and leading to the implementation of regional mechanisms to protect and develop democracy one should put this in historical perspective and note that while the normative underpinnings for such developments were present in some regions prior to meaningful regime change, they were not in others. It seems to be the case that when democratization processes take hold at the national level, they tend to produce international arrangements to protect from backsliding although the previous normative structure seems to play an important role in shaping the institutional form such arrangements would take. These understandings go beyond the actual 'democratic self-interest' of the member states and reflect intersubjective understandings about legitimate rule and appropriate behaviour (Santa-Cruz 2005b, 139-140). In the case of the Americas one can easily point at how the 'norm of democratic governance' developed through a patterned process of regional identity construction which was prior to the actual constitution of effective republics in the region. Nevertheless, such an identity did not disappear with the proliferation of authoritarian regimes after the second half of the twentieth century, and was powerfully enhanced by the transitions of the last three decades so that it produced the legalization and practice of collective defence of democracy in the Americas. However, as with the case of Africa and South East Asia the norm hierarchy seems to have remained unchanged. Nevertheless, while in South East Asia the choice seems to be clearer non-intervention will

override democratic governance, states in the Americas and Africa are faced with the need to make decisions of when to apply one norm or the other. Regional normative structures in which the norm of democratic governance, overrides the principle of non-intervention seem to produce regimes with higher degrees of obligation, precision and delegation than those where the norm hierarchy is the opposite. Nevertheless, rhetorical commitment to the global norm as part of the regional identity will be consequential in the development of institutional mechanisms and practices to protect elected governments on an ad hoc basis.

Chapter 5: Analytical Evaluation of the Evidence

Democratic Self-interest vs. Constitutional Structures?

Moravcsik and Pevehouse's contention is that new democracies' self-interests can account for the demand of stringent human rights regimes. However, it overlooks the actual negotiations, the process and dynamics that take place among state actors in the regional context and the way the actual regimes are put in place. New democracies in the Americas have demonstrated self-interest in protecting and developing democracy through regional international instruments. There is evidence too that new democracies in the Americas see the democratic Charter as a means to 'lock-in' democracy at the national level. The representative of Nicaragua in Lima in September 2001 stated: "it is my strong desire and that of all democrats in Nicaragua, that this tools will assure us the celebration of peaceful elections on November 4th, and that they will work to consolidate our democracy and make it once and for all, irreversible." (OAS 2001c) In accordance with Moravcsik's and Pevehouse's contention, new democracies had a 'self interest' in strengthening the mechanisms to protect and develop democracy in the Americas.

The example of the Panamanian proposal for the creation of an analysis and prevention group strongly supports the arguments about the preferences of new democracies. However, more intriguing are the declarations of former Minister of Foreign Affairs for Mexico and the Chilean permanent mission to OAS. The statements are revealing since they show some variation regarding the preferences of stable and transitional democracies. Mexico in 2001 represents the type of a transitional regime; nevertheless it worked against adding precision and delegation to the Charter . The Chilean government in 2001 represents the type of a stable democracy; nevertheless, its interests seemed to be in line with adding precision and delegation to the Charter. However, these could represent anomalies given the often claimed Mexican 'exceptionalism' in Latin American democratization studies and its also exceptional relation to the US. Also the fact that Chile was only experiencing its third elected government since transition in 1990 might account for its preferences as a 'new democracy'. Nevertheless, both Mexico and Chile worked in the negotiation of the Charter as partners in the ALADI group which was a major brakeman against adding teeth to the Charter, Peru also worked closely with the ALADI group.

The important issue to note is the means utilized by the negotiators to 'reduce' the precision and delegation of the Charter. While states were concerned about the 'domestic' implications of the

Charter and utterances about things akin to concerns about 'sovereignty costs' were made, it was evident through the negotiations that the more successful resources to prevent the Charter from acquiring teeth were the arguments that made reference to its 'harmonization' with wider normative understandings within the Inter-Americans System. Appeals to the Inter-American Juridical Commission, existing jurisprudence and the constitutive Charter of the OAS show how actors drew leverage to prevent the charter form acquiring teeth through appealing the 'higher values' which inform sovereign practice within the region (Reus-Smit 1997, 555).

Furthermore, the United States and Canada, the most stable democracies within the system, voiced concerns about the legal status and possible sovereignty costs implied by the Charter. Nevertheless, they did not oppose the Charter out-right, neither did they push for differing the issue. Nevertheless, it is also clear that both the US and Canada found in the normative-structure of the system the arguments to support the adoption of the Inter-American Democratic Charter (IADC). Both countries understood by 2001 that the Charter was not creating new rights or obligations, and was in fact a compilation of mechanisms already available to the organization to protect elected governments.

It was revealing that, for example, Peru and Uruguay (a stable democracy by then) worked in order to obtain the most binding mechanisms that could be attained through a Resolution of the General Assembly which is what the democratic charter is. According to the Permanent Delegation of Peru and Uruguay by linking the IADC to the principles enshrined in the OAS Charter, in accordance with the observations of the Inter-American Juridical Commission, they were making sure that the "the provisions of the IADC...acquired a binding character" (OAS 2001b).

It is important to note that governments like that of Honduras and Panama, expressed their views on the benefits of 'locking-in' democracy through international arrangements. However, most governments did so in the context of a background consensus that the Charter ought to reaffirm democracy as a principle of identity of the Inter-American System, but that it ought to observe due respect to of the right of non-interference enshrined also in the OAS Charter. Nevertheless, given the fact that most regimes in the region would be expected not to have a direct interest in producing 'new mechanisms' it is less clear why the process of IADC was not put aside.

Regional Context, Identity and Interests

The IADC process was indeed novel. The fact that all the delegations committed to accept a document called the 'Inter-American Democratic Charter' at Quebec in 2001 without yet knowing its content did signal a great strategic move on the part of the Peruvian government. Nevertheless the context which made possible such commitment should not be underplayed. As noted before, the development of mechanisms to protect and develop democracy in the Americas have been underway since the 1990s; furthermore, regimes in the region had shown at least rhetorical commitment to the goal of collectively defending democracy. Peru as a 'new democracy' declared democracy to be a "value of its own culture, and an aspiration and a conviction of its own history." (OAS 2001b) Similar identity claims were made by the representative of Antigua and Barbuda when explaining their interest in securing democratic governance in the Americas. Antigua and Barbuda, a stable democracy, declared it did not fear unconstitutional change in the island state, rather their interest in securing democratic governance in the Americas lay in the 'fact' that open democratic regimes could allow for generating linkages among civil society that could be used to promote change in the industrial policies of large states and prevent the extinction of small island states due to climate change. As noted by Wendt "actors do not have a 'portfolio' of interests that they carry around independent of the social context; instead they define interests in the process of defining situations." (Wendt 1992, 398) Within the Americas states had to define their interests *vis á vis* the IADC given certain national identities and the regional context. Chile, Antigua and Barbuda, Mexico, and several other countries recalled the historical background against which the adoption of the IADC was presented as both wise and necessary.

Differing interests regarding the Inter-American Charter may be more than "a result of pressure from parochial special interest or unthinking adherence to tradition, ...[and respond to] deeply rooted historical conceptions of the relationship between the citizen and the state"(Moravcsik 2003, 228). National culture and history might be helpful in explaining states' interests. What is often overlooked by an attention to purely national culture is that it is not self contained. As with interests, national culture is informed both by social practices within the state and how they differ, are similar or oppose those in other states. National culture and its role in the international context might be that of defining a particular relation in a specific social context. As Wendt noted, states might have multiple identities (champion of non-intervention, small island state, a democratic state) "the commitment to and salience of particular identities vary, but each identity

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is an inherently social definition of the actor grounded on the theories which actors collectively hold about themselves and one another an which constitute the structure of the social world." (Wendt 1992, 398) As we have seen Latin American countries have defined their international practice as being different from the practices of the US; most notably, it has been the prevention of US intervention in Latin American affairs that characterizes the interaction between the US and Latin America. However, opposition between intervention and non-intervention does not exhaust the possible social identities of the different actors within the region. Democratic governance had been also a defining feature in the formation of the hemispheric construct in the Americas.

One could ask the question of whether absent the historical democratic commitment within the region the development of the IADC would have been possible. Would the development of the practice of collectively defending democracy taken any different path absent a ubiquitous rhetorical commitment to produce such an arrangement? It is possible that absent such rhetorical commitment agents with 'self-interest' in preventing intervention and minimizing 'sovereignty costs' would have had more leeway in departing from the proposition that it was necessary and wise to put mechanisms in place to defend elected governments in the Americas. Frank Schimmelfennig has noted how rhetorical commitments in the form of identity claims, values and objectives of certain institutions might explain some institutional outcomes which otherwise would have been characterized by outright opposition by 'potential losers' (Schimmelfennig 2003, 47). The rhetorical commitment by the countries in the Americas to promote and defend democracy made it virtually impossible for potential brakemen to renege the need for institutional mechanisms to pursue those ends. Rather, actors had to find ways in which to pursue their perceived interest regarding the IADC through resources available within the organization and accepted practices of behaviour. While the goal of adopting the IADC was generally accepted, actors found the way to pursue their interests was by laying down the principles under which such agreement would be accepted and the means it would envision to protect and defend democracy (Crawford 2002, 18). Making principles, ends, and means match might be a powerful tool to preserve the *status quo*.

Framing and Reframing: Reforming the Inter-American Charter.

The process of negotiation of the Inter-American Democratic Charter and the rhetorical commitment to promote democracy made states pursing their 'self-interest' to make their arguments conform to the wider institutional context and the principles of interaction within the system. However, the process did not only affect the outcomes for each of the players, in framing their commitment to protect democracy according to specific principles enshrined in the OAS Charter. States in the Americas potentially redefined the playing ground of 'democratic promotion'. As Crawford has noted, framing an issue—characterizing it in one way or another—powerfully influences subsequent arguments around the topic (Crawford 2002, 22). The settling of arguments can change the way the world works and is understood.

Even as states in the Americas could be depicted as pursuing their perceived individual 'self-interest', the negotiation of the IADC showed how the process involved little more than the presentation of such interests. Negotiating the IADC represented a step in framing the understanding about the nature and scope of democratic protection in the Americas. Search for the 'good' interpretation of the IADC and the principles of non-intervention could signal an important change regarding the hierarchical understanding of the two norms.

Attempts by the US to reform the IADC in 2005 had to confront the previous agreements about the scope and reach of the Charter as well as concerns about the wisdom of producing more effective mechanisms. The regional context at the time did not provided for a similar process of negotiation as that of 2001. The perception that the US was attempting to strengthen the Charter in order to gain leverage against foes in the region prompted most of the delegations to reject the US proposal. Indeed self-interest for non-intervention surfaced again. However, these interests were once again construed and framed around the previous stage of negotiations. The ALADI group and CARICOM rejected the US proposal by asserting that the scope and reach of the practice of defending democratically elected governments had been settled through the adoption of the IADC. In accordance with the purpose given to the meeting of the General Assembly in Fort Lauderdale states argued that poverty and underdevelopment were the main threat to democracy in the region and discarded the US proposal.

The potential redefinition of hierarchical standing of non-intervention and democratic governance seems to have been washed away in Fort Lauderdale. Nevertheless, one must not overlook the

possibility that under different circumstances such redefinition might have played a transforming role in the Hemisphere. Absent the confrontational atmosphere at the 35th General Assembly, which developed through the period of 2002 and 2005, it is possible to suggest that proposals like that of Panama and Chile could have garnered more support from other transitional and threatened democracies in the region. So far the (re)interpretation of the mutual standing of non-intervention and the protection of elected governments might seem as ineffectual cheap talk. However, the representations of a 'dialectical' relationship between non-intervention and democracy were still present at Fort Lauderdale and its inconsequentiality or relevance will only be revealed through time and practice.

Neo-Liberal republicanism enhanced

Pevehouse and Moravcsik's approach is indeed able to explain the preferences of different regimes regarding the regional legalization of democracy in the Americas. The process of the negotiation of the IADC shows the importance of the pre-existing regional normative and institutional frameworks.

More relevant, however, is the fact that the process of developing institutions to protect and develop democracy in the Americas was marked by states engaging "in a process of communicative action. That is, they "debat[ed] how legitimate states should, or should not, act." (Reus-Smit 1997, 564) Identity claims were made by different states regarding the need for an IADC; "social identities provide the basis on which action can be rationalized providing actors with reasons for being and acting." (Reus-Smit 1997, 565). It is important to note how agents within the regional social structures, even when pursuing a self-interest, seek to ensure that their behaviour could be described in terms of the legitimating norms which describe the practices they were engaging in (Reus-Smit 1997, 570). Thus appeals to history, a democratic identity and the way democratic states behave, was crucial in making sense of the interest of different actors regarding the IADC.

'Self-interest' is just part of the explanation for the institutional development of the regime to protect elected governments in the Americas. These interests were pursued through the process of negotiation by tailoring the normative language within the regional system to fit the perceived intended goals of each state. As Reus-Smit has noted normative-structures "shape the cognitive horizons of institutional architects...they shape the institutional imagination of those political actors engaged in producing and reproducing fundamental institutions, making some practices

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appear mandatory and others unimaginable." (Reus-Smit 1997, 570) It seems to be the case, that the norm of democratic governance and the rhetorical commitment of the American states made the adoption of the IADC unavoidable. However, the norm of non-intervention helped prevent perceived 'sovereignty costs' by providing an accepted principle of state interaction which would serve the interests of stable democracies and governments less committed to democratic reform and its collective defence. In this sense the norm of democratic governance in the hemisphere might be less entrenched than suggested by the historical record and might be at a similar stage of norm socialization where states observe the norm and produce institutional arrangements to enforce it given the international and domestic costs of reneging to do so.

A Global Norm of Democratic Governance across Regional Settings

Franck's depiction of the normative and legal evolution of a 'democratic entitlement' and the conclusion that collective action to protect democratically elected governments is a logical derivation from the evolution of a global norm of democratic governance, overlooks the fact that the practice has been actualized and developed more strongly within some regional settings than others. Franck's proposition that the 'norm of democratic governance' is changing understandings about legitimate statehood should be tempered by the effective differences regarding the adoption of the norm across regions.

The Inter-American system is just one example of how the practice and institutionalization of the defence of democratically elected governments is shaped by the particular historical development and constitution of the region. The tensions between the principle of non-intervention and democratic governance seem to be or have been present within the other three regions presented here. It has been the differences in the interpretation of their mutual standing and particular regional understandings about legitimate statehood and accepted behaviour that mark differences across regions.

The institutionalization and practice of defending democratic governments has been most 'successful' where the principle of non-intervention has been interpreted as being hierarchically overridden by the 'norm of democratic governance', as is clearly the case in Europe. However, the case of the Americas and Africa suggest that there need not be a complete hierarchical reorganization of the norms informing sovereign practice for regional institutional frameworks and practices to protect elected governments to emerge; the norm might be *localized* within different regions (Acharya 2004, 239). South East Asia poses the hardest case for the adoption of

the norm of democratic governance and its practice; however, recent research suggests that the localization of the norm of democratic governance might be an ongoing process in the region, albeit still an embryonic one (Poole 2005, v, 97, Acharya 2004, 239).

Particularly intriguing is the fact that it is probably in the Western Hemisphere where the idea of a community of democracies first emerged as a constitutive element defining regional state practice. There is no interest here in 'romanticizing' the American democratic ethos. It is also true that some of the gravest and continuous violations of human rights, civil liberties and accepted parameters of separation of power and judiciary independence are prevalent in the region. Even today some democracies in the Caribbean and Latin America seem constantly threatened by undemocratic forces and governmental practice. However, it is telling that it is probably the region with the longest-standing aspiration to form a community of democracies which has been less effective, than for example Europe, in collectively defending democracy. Nevertheless it is still not clear, and should not be assumed, that all regions will follow the same pattern followed by Europe.

Chapter 6: Conclusions

International mechanisms for the protection of elected governments have been developed within different regional settings. While neo-liberals approaches stressed the self-interest of democracies, new and old, to promote democracy they could hardly account for the regional differences and the development (deepening or lack thereof) of the institutional mechanisms within regions for the protection of elected governments. The Inter-American System provides one example where the practice and development of the 'norm of democratic governance' has taken a specific institutional form which favours *ad hoc* measures rather than a more precise and delegative framework. Neo-liberal accounts on the emergence and impact of international regional organizations on democratization and consolidation were unable to explain the mechanisms by which regional agents 'design'—or rather make sense of—the institutional arrangements necessary to pursue the goal of collectively defending democratically elected governments.

As evidence from the negotiations of the Inter-American Democratic Charter suggest states might have diverging interests regarding the 'legalization' of democracy in the region. However, such interests were structured according to the normative structure underpinning state interaction within the regional system. States in the Americas had to make the Democratic Charter compatible with the broader principles in the system which developed through historical patterns of interaction among the constituent units of the hemispheric construct. The IADC, taken as an outcome, shows how rhetorical commitment to defend elected governments made it almost impossible for potential antagonistic states to renege on the agreement. However, appeals to higher principles within the regional system showed how competing norms might be instrumental for actors to legitimize their national interest by making it compatible with the ideational structures underpinning the regional system.

The argument that regional normative structures shape the formation of regimes to protect democracy could be generalized to other regions. However, this would require careful historical analysis across regions, and by no means should one assume that the emergence of such regimes would be characterized by the same depth and scope at similar times. Rather, the question to be investigated would need to follow a line of enquiry that could lead one to elaborate the conditions

under which community-regions would provide themselves with the institutional mechanisms to protect democracy and what can account for dissimilar patterns of institutional development.

Further research should also enquire into how the practice of collectively defending democracy might have an impact on strengthening the 'norm of democratic governance' across regions. Santa-Cruz, Lutz and Sikkink have noted, the developments in the Western Hemisphere actualized practices that were unthinkable twenty years ago. Even if rhetorical commitment and strategic adaptation seem to characterize the behaviour of the American states one could enquire into the strengthening or weakening of the 'norm of democratic governance' in the region by looking at the practice of protecting elected governments.

Differences among regions also suggest that the practice of collectively defending democracy and its institutionalization might be at very different stages. Accounting for such differences should give adequate attention to processes across regions and the identification of the logics that govern such processes as well as the relative stability of regional normative structures. As Risse has noted, once the principles over which action is going to take place are greed upon one might see that the logics of consequences and appropriateness are more prevalent than the logics of argumentative rationality (Müller 2004, Risse 2000). Similarly Checkel has argued that once an international norm is accepted it can be influential in bringing states to comply with it through societal pressure (Checkel 1999, Checkel 2003). Lisa Sundstrom has suggested that a key element in strengthening the IADC is to strengthen national civil society to report on state compliance with the Charter (Sundstrom 2003, 58). Research should address the relationship between civil society and the OAS and how national structures enhance or prevent the activities of civil society around the IADC; has the IADC empowered agents from civil society to make claims on their national governments? Have civil society organizations framed national issues in terms of the IADC? Have this attempts been successful?

Neo-liberal approaches to international regimes and institutions to protect elected governments can hardly account for institutional variation across regions or the institutional development (deepening or weakening) of regional arrangements to promote democratic governance within regional systems. By looking at the broader regional setting in the Americas, its historical pattern of interaction, the constitutive elements of the regional identity and the cardinal norms regulating state behaviour one is able to account for institutional development of the norm of democratic governance. The neo-liberal contention that new democracies will demand international

mechanisms to protect elected governments is strong; however, it is not demand alone that can account for the formation of institutional arrangements to protect elected governments in the Americas. Rather, the regional constitutional structures provided states with reasons for putting in place such regimes and institutions. The very idea of 'institutional development' suggests that the interests and ideas which render a particular organizational form acceptable might change through time; a constructivist approach powerfully enhances the possibility of looking at changing patterns of interaction and the (re)constitution of the interest of different actors within regional systems. This is not an argument about 'self-interested behaviour' against 'norm-based behaviour'; rather the argument relies on how norms and interests interact within, the often neglected regional systems, to produce particular types of institutional forms.

The argument might best be synthesized by pointing out that methodological individualism overlooks the context within which institutional design takes place. When redefining regional norms, rules, institutions and decision making procedures, states debate about how legitimate members of the regional system should act. Regional systems provide a set of intersubjective understandings which have consequences in institutional design—whether intended or not. These regional intersubjective understandings are a little more than the sum of the interest of the constituent units within regional systems and inform their interests, preferences and identity *vis à vis* the regional system and its other members. Neo-liberal institutionalism faces the problem of accounting for the mechanisms by which regional IOs will secure democratic governance in their member states: the answer to the question of why mechanisms vary across regions lies within the social fact that 'organization type' or the institutional form of the mechanisms to protect elected governments will respond to deeper regional understandings about democracy and the appropriate (available) means to defend elected governments.

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