

## Explorations | Exploraciones

### Latin America and the Caribbean: Between the OAS and CELAC

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*The OAS, the Organization of American States, has been historically trapped by the interests and visions of the United States; and its accumulated bias and atavisms render said organization inefficient and unreliable for this new era our America is going through.*

Speech by the President of Ecuador, Rafael Correa, during the opening session of the 1<sup>st</sup> Summit of Heads of State and Government of the Community of Latin American and Caribbean States (CELAC), held in Caracas, Venezuela on 2 December 2011.

*This integration should not be shaped against anybody.*

*This is definitely not something against the OAS or the Ibero-American Summit.*

*This is an integration for Latin America and the Caribbean.*

Speech by the President of Colombia, Juan Manuel Santos, during the opening session of the 1<sup>st</sup> Summit of Heads of State and Government of the Community of Latin American and Caribbean States (CELAC), held in Caracas, Venezuela on 2 December 2011.

#### Abstract:

This essay aims at analysing the position of Latin America and the Caribbean in its totality as a global player, and the challenges facing CELAC – Community of Latin American and Caribbean Countries – as a mechanism of political partnership with its own views on the Organization of American States (OAS). Indeed, CELAC is to some extent presented as a hemispheric mechanism that rivals the OAS and which may eventually replace it, leaving the U.S. and Canada aside. In this regard, a comparison and an assessment of the implications involved will be made. It is therefore useful to pose the following question: Is CELAC the key to structuring an alternative movement to the OAS? *Keywords:* international organizations, regional forum, OAS, CELAC, hemispheric policy.

#### Resumen: América Latina y el Caribe: Entre la OEA y la CELAC

El motivo de este ensayo consiste en analizar la posición de América Latina y el Caribe en su conjunto como actor global frente al reto que supone la CELAC – Comunidad de Estados Latinoamericanos y Caribeños – como mecanismo de concertación política y su postura frente la OEA – Organización de Estados Americanos. En efecto, la CELAC se presenta para algunos como un nuevo mecanismo hemisférico que rivaliza con la OEA y que eventualmente podría sustituirla, dejando a un lado a los Estados Unidos y Canadá. En tal senti-

do, se pretende contrastar y valorar dicha apreciación. Es por ello que resulta útil plantearse la siguiente cuestión: ¿Es la CELAC la clave para estructurar un movimiento alternativo a la OEA? *Palabras claves*: organizaciones internacionales, foro regional, OEA, CELAC, Política hemisférica.

From the beginning of the twenty-first century, there has been a heightened enthusiasm within Latin America for undertaking regional cooperation initiatives at both the political and economic levels. Following the reformulation and renewed implementation of their global and hemispheric policies, Latin America and the Caribbean countries have made systematic efforts throughout this decade to transfer duties of the Rio Group and the Latin American Summit on Integration and Development (CALC) to the Community of Latin American and Caribbean Countries (CELAC), thus bringing great opportunities and challenges for the new organization.

Taking into account the opposing views that are evolving around the role of the OAS and CELAC, it is worth considering whether this organization seen as a new hemispheric mechanism is a valid and effective option to replace the OAS, and work without the membership of the U.S. and Canada.

### **The role of Pan-Americanism and the OAS**

The Pan-American Conferences launched by the U.S. government in 1889 laid the foundations for the current Organization of American States (OAS). The International Union of American Republics, subsequently called the Pan-American Union, was established during the first Pan-American Conference held in Washington. The emergence of the OAS took place in Bogota in 1948 under Pan-Americanist parameters, replacing the Pan-American Union. The former organization had been originally conceived to fight communism in the hemisphere during the Cold War. The guidelines contained in the Declaration of Principles of the OAS Charter, as well as various resolutions relating to American solidarity, set out the priorities established in terms of the benefits for peace and security and continental solidarity, in harmony with the principles set forth by the United Nations.

Despite these principles, for more than forty years the OAS warmly welcomed many dictatorial governments that were mostly right-wing authoritarian regimes and the unconditional allies of the United States. It was after the fall of these dictatorial regimes on the continent that instruments for democracy were reactivated. However, this was not the case with the left-wing regime of Cuba, whose exclusion from the Organization in 1962 and the subsequent implementation of sanctions against its government undoubtedly represent one of the most critical moments in the history of the

OAS. Wolf Grabendorff, in a study about Latin American relations, refers to the OAS in the following terms:

From its very foundation, the OAS has found itself on the dilemma of desiring to unite two opposite objectives. On the one hand, from the Latin American point of view, the OAS is, above all, a cooperation instrument for promoting economic development in the continent. On the other hand, for the United States this entity was actually critical to consolidate the political stability of the Region, and thus ensuring its own hegemonic position' (Grabendorff 1982, 56).

With respect to the role played by the OAS in the past decades, its former Secretary General Cesar Gaviria stressed during a conference at the Latin American Faculty of Social Sciences (FLACSO) that:

The OAS was seriously weakened during the 1970s and the 1980s. Indeed, it showed little capacity during the Cold War to deal with the Central American conflict. That was a hard blow to the OAS, an institution that could no longer play the role it had played before, during the years of the Alliance for Progress, in terms of cooperation with the countries. This purpose was abandoned during the 1960. What really happened was a reduction of the political role of the OAS (Gaviria 1995).

During the 1990s, 'open Pan Americanism' – including efforts by the United States – was aimed at the implementation of the 'Washington Consensus'. It propelled the 'Initiative for the Americas' that aimed to bring together the different regional realities in Latin America under a prism from Washington. Thus from a critical Latin American point of view, Pan-Americanism may be considered a policy meant to promote political and military control by the United States over the region for the purpose of consolidating its economic expansion throughout the continent.

In regard to the hegemonic powers, Latin America today conceives itself as an autonomous region seeking to establish a new paradigm. In this sense, South America has a special role, and the current political and economic environment has led to more strategic prospects inside the region. The end of bipolar policies has brought about a new hierarchy in the international order, giving Latin America greater freedom to act at the multilateral level. Regional international organizations are increasingly extending their importance. As the Argentinian political scientist Juan Gabriel Tokatlian stressed in 1984, and which remains valid today:

The current crisis of the Organization of American States is a concrete expression of the growing contradiction and deterioration of the rela-

tions between Latin America and the Caribbean and the United States. We are not only witnessing a mere administrative helplessness of the OAS, but also the result of deep differences in the economic, politic, strategic and military fields inside the inter-American system. In very concrete terms, and after a century of history, it is clear the incompatibility between North American Monroeism and Latin American Bolivarianism; two alternative projects meaning the antithesis between an hegemonic-imperial pattern and a unitary proposal for amphictyonic federalism between Latin American and the Caribbean islands pairs' (Tokatlian 1984, 9-13).

In contrast, the Spanish legal expert Jorge Quindimil emphasized:

The OAS, as an international organization with hemispheric dimension, has, a priori, appropriate conditions to play a fundamental role in coordinating, supporting and strengthening the efforts and initiatives developed in this sense within the framework of the integration processes, as all of its member States (except for Cuba) are part of one of these processes. Besides, it is to take into account the integration efforts of the OAS itself, even though it does not provide the integration of Latin America or the Caribbean (Quindimil 2007, 746).

Though the OAS offers an ideal framework to foster multilateral approaches within the hemisphere, the Latin American countries have not hesitated in promoting new regional mechanisms such as UNASUR, and supporting others such as CELAC. This suggests a sort of diplomatic 'hyperactivity' in Latin America aimed at the creation of new groups, as well as an incapacity of the OAS to handle the many relevant subjects.

### **The role of CELAC**

At the beginning, CELAC was a common initiative launched by Mexico and Brazil in Cancún in February 2010 during the Summit of the Rio Group and the Latin American and Caribbean Summit on Integration and Development (CALC). The agreements reached at CALC and the Rio Group summits were fostered by the ministries of foreign affairs from these countries, but later the agreements were re-stated by Venezuela. Consisting of 33 countries, CELAC was built upon the political legacy of the Rio Group<sup>1</sup> and the Summit of Latin America and the Caribbean on Integration and Development.<sup>2</sup> It is worth mentioning that CELAC has mainstreamed into a regional political scenario characterized by strong ideological tensions among the Latin American countries, and in turn this region has been dis-

placed to second place in the foreign policy agenda of the United States. Nevertheless, in spite of the different ideological positions in the region, CELAC has emerged as a mechanism for dialogue and agreement aimed at coordinating efforts for integration, cooperation and development both at the Latin American and Caribbean levels.

Although some heads of state and governments of the region regard CELAC as an international organization, it does not fulfil the relevant requirements for being so. According to the classical definition of an international organization, it should include permanent bodies in charge of dealing with collective interests and capable of expressing a non-partisan legal will, independent from those of its members. These elements define the difference between an international organization and other bodies, such as CELAC. While it aspires to deal with its members' collective interests, it does not have a permanent headquarters or bodies which are independent from the governments of its member states. It also does not yet have an organized structure. Although some Latin American presidents have made speeches in favour of making it an international organization, this is not feasible when considering the different views among the Latin American and Caribbean leaders.

### **Decision-making in the OAS and CELAC**

Decision-making in CELAC is made by consensus. One of the main characteristics of international organizations is their capacity to express a legal will that is independent from its member states. The consensus or general agreement method is based on the adoption of a decision without employing a formal voting scheme. According to the Procedure for the Organic Operation of CELAC, decisions at all levels are adopted by consensus – with the accompanying risk that any approved text, when shaped to be acceptable for everyone, becomes so general that it lacks any real substance or strength. This decision-making is complicated even more by the involvement of the presidents of the member states themselves, using it essentially as a political consultation and agreement mechanism. Thus, the importance and influence of CELAC is limited by the diversity of its membership and by the natural difficulty of being able to identifying mutual interests among more of its participants. An interesting element under consideration is the introduction of the 'consensus minus one' rule, implemented by, inter alia, the Organization for Security and Cooperation in Europe (OSCE), in its search for more flexibility in the decision-making of the states involved.

Traditionally, the OAS was open to the operations of other regional mechanisms; for example, the OAS implemented some changes into the organization after the establishment of the Rio Group during the 1980s. However, one cannot really speak of overlapping mechanisms in CELAC since it has neither the organizational structure nor the strongly consolidated institutional body of the OAS. If CELAC's organization would become effective, many subjects on the political agenda could be discussed in this forum, thus replacing the mechanisms established in the OAS. On the other hand, the individual heads of state and their government might use the forum to discuss their own political issues.

Some issues which are included on CELAC's agenda are linked to OAS tasks, such as promoting democracy and fighting drug trafficking. For instance, Ecuador has expressed an ambition to create a new Latin American regional human rights system. However, the proposal is not yet well structured. Ecuador has harshly criticized the Inter-American Human Rights System as being strongly biased towards the United States, and has proposed radical changes. One of the elements stressed by Ecuador is that it is not logical to discuss Latin American human rights issues within the framework of the OAS when the United States does not acknowledge the Inter-American Convention on Human Rights. Recently, Venezuela has withdrawn altogether from this Organization.

Both the OAS and CELAC agree on the element of the so-called 'democracy clauses'. In the light of this 'coincidence', it is relevant to compare these two documents in order to identify the scope and limitations of each one. According to the OAS, member states are ruled by the Inter-American Democratic Charter signed in Lima on 11 September 2001. The essence of the Inter-American Democratic Charter is the following:

- o Democracy and the inter-American system;
- o Democracy and human rights;
- o Democracy, comprehensive development and the fight against poverty;
- o Strengthening and preservation of democratic Institutionalality;
- o Democracy and election monitoring missions; and
- o Promotion of a democratic culture.

CELAC's adherence to democracy is more succinct. Its Special Declaration on the Defence of Democracy and Constitutional Order (from 3 December 2011) only mentions that it upholds the defence and preservation of the democratic system.

When applying a comparative analysis to both texts, we may conclude that the Inter-American Democratic Charter is much more ambitious.

	Inter-American Democratic Charter of the Organization of American States	Special Declaration on the Defence of Democracy and Constitutional Order in CELAC
Rupture of the constitutional order	Immediate convocation to the OAS Permanent Council in Washington	Convocation of an extraordinary meeting of ministers of foreign affairs
Suspension of a member State	Affirmative vote of two thirds. Qualified majority	Consensus

In the event of a rupture in the constitutional order of the OAS, any member state or the Secretary General may summon a meeting. In contrast for CELAC, a meeting can be convened by the Pro Tempore Presidency that is supported by the Troika. The question immediately arises: What would happen if the rupture occurred in one of the states participating in the Troika? No action has been foreseen in such a case.

A comparable situation arose during the Caracas Summit in respect to the clause on democracy that would govern the new organization. The decision was made to employ the same terms as the Union of South American Nations (UNASUR). If there was a human rights violation in any member country, open consultations would ensue and the country in question might be suspended. Nevertheless, no comments were made at that time regarding the Cuban political regime. When drafting the document, CELAC member states used as models the terms applied by UNASUR as well as the ‘Mar del Plata Declaration’, whose democracy clause was approved during the 20<sup>th</sup> Ibero-American Summit in 2010.

The challenge is to identify the scope of these democracy clauses, which play a pre-emptive role that should not be underestimated. The implementation of these clauses may be considered positive, although it is not completely clear what concrete measures beyond isolation would be taken if an illegitimate government seized power in any Latin American country.

Either as a means of political consultation or as a potential international organization, CELAC offers many advantages:

- o Rationalization of the agenda of the different Latin American and Caribbean leaders by reducing the number of summits held in the region, an action that may well be possible when considering that CELAC is a combination of CALC + the Rio Group. Such a measure would concentrate the international agenda of the leaders into a single politically-oriented forum.
- o Reduction of the duplication of efforts in the sub-regional initiatives: both in the Montego Bay Plan of Action (the Rio Group) and the Decla-

ration of Salvador de Bahia (CALC), an on-going dialogue and the exchange of experiences in various issues are core values. By relying on CELAC, all initiatives would be condensed into a single one to reduce the duplication of efforts.

CELAC also faces some limitations, restrictions, and challenges:

- o The lack of an institutional framework in turn affects coordination with other international organizations and the follow-up and effective monitoring of the commitments assumed by member states.
- o Emphasis on short term goals is directed to immediate domestic needs.
- o Excessive initiatives can generate a tendency to lose focus, and overly ambitious goals for the mid and long term can lose impetus without a strong political will.
- o Action is slowed as binding decisions made by consensus contain texts that include ambiguous and unclear content leading to different interpretations.

None of the documents prepared in Caracas that led to the creation of CELAC directly provided for a new regional mechanism to carry out the functions of the OAS. However, some other proposals oriented towards the replacement of the OAS by CELAC have emerged, raising objections and resistance from different countries. The countries – Brazil, Colombia, Mexico, Costa Rica, Guatemala, Uruguay, Peru, and a large number of Caribbean countries – that neither foresee CELAC as an alternative to the OAS nor consider any other organization to replace it have maintained that CELAC was created as a mechanism to hold political dialogue and reach agreement. They endeavour to consolidate CELAC as an interlocutor aimed at strengthening the regional integration process. Moreover, these countries mean to work actively and collectively to promote the gradual articulation, complementation, and convergence of institutions such as ALADI, MERCOSUR, and CELAC's forum.

On the other hand, there is a block of countries – Cuba, Venezuela, Nicaragua, Bolivia, and Ecuador – that fervently supports the replacement of the OAS by an institution with little room for political intervention from the U.S. and Canada. They also want to continue with the on-going initiatives from within the region only. These countries have embraced a foreign policy that is not in agreement with U.S. policy. They believe that the OAS is already 'old and worn out'. This block hopes that CELAC will turn into a solid alliance with its own means for debate and sanction on issues, for example, a Human Rights commission that eventually will replace the Inter-American Court of Human Rights (IACHR).

The first obstacle to achieving this purpose is the lack of participation in CELAC of countries such as Brazil, which has reached important cooperation agreements with the U.S. The countries Mexico, Peru, Chile, Costa Rica, Colombia, and Panama have also signed free trade agreements with Washington.

## **Conclusions**

CELAC represents a geopolitical reshaping of Latin America, and even if it is not the only proposal on the table, it is still an audacious, bold and credible initiative, as long as it does not intend to be a replacement of the OAS. However, the institutionalization of CELAC will require a sustained political endeavour in line with the ambitious goals set up for the mechanism. The process of integrating CELAC will advance with the conception of a strategic and programmatic vision with clearly defined goals, resources and terms. Such a vision should also include an institutional architecture that is flexible and able to reflect the progression of the regional mechanism. At the same time it should be noted that in the absence of a stronger institutional influence, the reform processes will be difficult.

From this perspective, we see that the Latin American and Caribbean governments face the challenge of proposing regional and state policies that allow for the continuity of a reliable and competitive integration project, which prioritizes the technical and diplomatic aspects above any ideological vision. For this reason, CELAC must work hard to prevent the ideological differences between its member states from reducing the mechanism to the usual rhetoric in favour of the unity of the Latin American peoples and the progression towards their objectives. In the meantime, there is still the task of convincing sceptics about the benefits that can be gained through this political agreement mechanism, when it is properly streamlined.

The challenges for the OAS are very different from those of CELAC. The main challenge for the OAS is the institutional strengthening of democracy in Latin America. However, in spite of its well-consolidated structure that has prevailed for nearly half a century, this hemispheric organization has not been able to operate efficiently in the region because of its lack of autonomy with respect to the United States. The OAS is still perceived as a means through which the United States continues to influence the region. For the OAS to have a significant and decisive participation in the democratic processes of the region and to regain credibility, it must rid itself of this label as an agent for U.S. interests.

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## Notes

1. The Rio Group was a political consultation and agreement mechanism created on 31 December 1986 by the Declaration of Rio de Janeiro. The heads of state and governments of Argentina, Brazil, Colombia, Mexico, Panama, Peru, Uruguay and Venezuela met once a year.
2. The purpose of the Summit of Latin America and the Caribbean on Integration and Development (CALC) was to foster the coordination in the processes of integration and development of the member States, face to challenges such as financial crisis, economic crisis, and food crisis, among others.

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