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# Organization of American States: Background and Issues for Congress

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## Summary

The Organization of American States (OAS) is the oldest multilateral regional organization in the world. It was founded in 1948 by the United States and 20 Latin American nations to serve as a forum for addressing issues of mutual concern. Over time, the organization expanded to include all 35 independent countries of the Western Hemisphere (though Cuba currently does not participate). The organization's areas of focus have also shifted over time, evolving in accordance with the priorities of its member states. Today, the OAS concentrates on four broad objectives: democracy promotion, human rights protection, economic and social development, and regional security cooperation. It carries out a wide variety of activities to advance these goals, often providing policy guidance and technical assistance to member states.

### **U.S. Policy**

Since the organization's foundation, the United States has sought to use the OAS to advance critical economic, political, and security objectives in the Western Hemisphere. Although OAS actions frequently reflected U.S. policy during the 20<sup>th</sup> century, this has changed to a certain extent over the past 15 years as Latin American and Caribbean governments have adopted more independent foreign policies. While the organization's goals and day-to-day activities are still generally consistent with U.S. policy toward the region, the United States' ability to advance its policy initiatives within the OAS has declined. Nevertheless, the United States has remained the organization's largest donor, contributing at least \$58.5 million in FY2015—equivalent to nearly 42% of the total 2015 OAS budget.

As OAS decisions have begun to reflect the increasing independence of its member states, U.S. policymakers occasionally have expressed concerns about the direction of the organization. In recent years, some Members of Congress have criticized the OAS for failing to address the erosion of democratic institutions in some member states and have argued that the United States should withhold funding until the organization changes. Others maintain that the OAS remains an important forum for advancing U.S. relations with the other nations of the hemisphere and that U.S. policy should seek to strengthen the organization and make it more effective.

### **Congressional Action**

Congress plays an important role in shaping U.S. policy toward the OAS. The FY2016 Consolidated Appropriations Act (P.L. 114-113) provided funding for the U.S. assessed contribution (membership dues) to the organization as well as \$6.4 million in voluntary contributions to support democracy and development programs. Congress is now considering FY2017 appropriations measures. The Senate Appropriations Committee's foreign operations appropriations bill (S. 3117) would provide at least \$16.5 million for voluntary contributions to the OAS. According to the report (S.Rept. 114-290) accompanying the bill, S. 3117 would provide \$4 million for the OAS Fund for Strengthening Democracy, \$1 million for OAS development assistance programs, \$7 million for the Inter-American Commission on Human Rights, and \$4.5 million for the OAS Mission to Support the Fight Against Corruption and Impunity in Honduras. The House Appropriations Committee's foreign operations appropriations bill (H.R. 5912) does not designate funding levels for the OAS.

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## Introduction

Over the past several years, there has been considerable congressional debate over the role of the Organization of American States (OAS) in the Western Hemisphere and its utility for advancing U.S. objectives in the region. The United States helped found the OAS in 1948 in order to establish a multilateral forum in which the nations of the hemisphere could engage one another and address issues of mutual concern. In subsequent decades, OAS decisions often reflected U.S. policy as other member states sought to maintain close relations with the dominant economic and political power in the hemisphere. This was especially true during the early Cold War period, when the United States was able to secure OAS support for initiatives that were controversial in the region, such as a 1962 resolution to exclude Cuba from active participation as a result of its adherence to Marxism-Leninism and association with the communist bloc. OAS actions again aligned closely with U.S. policy in the 1990s following the end of the Cold War as a result of strong consensus among member states in support of initiatives designed to liberalize markets and strengthen democratic governance.<sup>1</sup>

According to many foreign policy analysts,<sup>2</sup> the ability of the United States to exert authority and shape outcomes in the Western Hemisphere—a region critical to U.S. political, economic, and security interests—has declined over the past 15 years. This is the result of a number of trends. Citizens throughout Latin America and the Caribbean have elected ideologically diverse leaders, bringing an end to the post-Cold War policy consensus. At the same time, many countries in the region have enjoyed considerable economic growth, grown more confident in addressing their challenges, and diversified their commercial and diplomatic relations. These developments have enabled countries in the region to pursue more independent foreign policies that are less deferential to the United States.<sup>3</sup> The relative decline of U.S. influence in the Western Hemisphere has manifested itself within the OAS on a number of high profile decisions in recent years, including a 2009 decision to repeal the 1962 resolution that had suspended Cuba from participating in the organization.<sup>4</sup>

U.S. policymakers have responded to the United States' declining ability to advance its policy preferences within the OAS in a number of ways. Some Members of Congress contend that the OAS is failing in its mission to support democracy and human rights in Latin America. They have called on the U.S. government to use its influence in the organization to compel stronger action

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<sup>1</sup> George Meek, "U.S. Influence in the Organization of American States," *Journal of Interamerican Studies and World Affairs*, vol. 17, no. 3 (August 1975), pp. 311-325; Carolyn M. Shaw, "Limits to Hegemonic Influence in the Organization of American States," *Latin American Politics and Society*, vol. 45, no. 3 (Autumn 2003), pp. 59-92; Pedro Ernesto Fagundes, "A Atuação da Organização dos Estados Americanos (OEA) nas Crises Políticas Contemporâneas," *Meridiano*, vol. 47, no. 117 (April 2010), pp. 30-32.

<sup>2</sup> See, for example, Inter-American Dialogue, *Remaking the Relationship: The United States and Latin America*, April 2012; Russell Crandall, "The Post-American Hemisphere: Power and Politics in an Autonomous Latin America," *Foreign Affairs*, vol. 90, no. 3 (May/June 2011), pp. 83-95; and Council on Foreign Relations, *U.S. Latin America Relations: A New Direction for a New Reality*, Independent Task Force Report No. 60, New York, 2008.

<sup>3</sup> Michael Shifter, "Managing Disarray: The Search for a New Consensus," in *Which Way Latin America? Hemispheric Politics Meets Globalization*, eds. Andrew F. Cooper and Jorge Heine (United Nations University Press, 2009); Brookings Institution, *Rethinking U.S.-Latin American Relations: A Hemispheric Partnership for a Turbulent World*, Report of the Partnership for the Americas Commission, Washington, DC, November 2008; and Peter Hakim, "The United States and Latin America: The Neighborhood Has Changed," *International Spectator*, vol. 46, no. 4 (December 2011), pp. 63-78.

<sup>4</sup> Mike Leffert, "Organization of American States Reinstates Cuba by Consensus Despite U.S. Objections," *Latin America Data Base, NotiCen*, June 4, 2009. For more information, see "Reintegration of Cuba into the Inter-American System" below.

on these issues and occasionally have sought to withhold funding from the organization. Others argue that OAS actions continue to closely align with U.S. priorities in many cases and that defunding the OAS would amount to the United States turning its back on the Western Hemisphere. They have called for reforms to the OAS to make the organization more effective in carrying out its mission.

As Congress continues to debate the utility of the OAS for advancing U.S. policies and considers appropriations and other legislation related to the organization, it might examine OAS activities in the hemisphere and how well those activities align with U.S. objectives. This report briefly looks at the history of the OAS and its principal institutional bodies; examines the organization's funding and current priorities; and discusses a number of policy issues that have drawn congressional interest in recent years, including the application of the Inter-American Democratic Charter, the challenges facing the inter-American human rights system, the management and budget of the OAS, the reintegration of Cuba into the inter-American system, and the establishment of regional organizations that could serve as possible alternatives to the OAS.

## **Background**

### **History and Purpose**

The OAS charter was adopted on April 30, 1948, in Bogotá, Colombia, though multilateral relations among the countries of the Western Hemisphere go back much further. A series of inter-American conferences that began in the 1820s led to the creation of the International Union of American Republics in 1890. Originally created to collect and distribute commercial information, the International Union of American Republics was renamed the Pan American Union in 1910. In 1933, following the launch of President Franklin Roosevelt's "Good Neighbor" policy, the United States and other nations in the hemisphere signed the Convention on the Rights and Duties of States, which formally recognized the equality of states and the principle of nonintervention in one another's internal affairs. Close cooperation during World War II considerably strengthened hemispheric ties, which were reinforced in the post-war period with the adoption of the Inter-American Treaty of Reciprocal Assistance (Rio Treaty) in 1947.<sup>5</sup> The OAS Charter and American Declaration of the Rights and Duties of Man were signed a year later by the United States and 20 other countries<sup>6</sup> in the region to legally codify the institutions and principles that had come to form the inter-American system.

Although the OAS initially sought to address border disputes and collective security issues, it has expanded its activities into other areas over time. In 1959, the Inter-American Commission on Human Rights was created to carry out the provisions of the American Declaration of the Rights and Duties of Man. During the 1960s, the OAS greatly expanded its economic, social, cultural, scientific, and technological programs, placing a strong emphasis on development following the 1961 launch of President Kennedy's "Alliance for Progress." Abuses by authoritarian governments prompted the creation of the Inter-American Court of Human Rights in 1979, and growing concern over narcotics trafficking led to the establishment of the Inter-American Drug Abuse Control Commission in 1986. The OAS acknowledged the challenges posed by regional and international terrorism by creating the Inter-American Committee Against Terrorism in 1999,

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<sup>5</sup> The text of the Rio Treaty is available at <http://www.oas.org/juridico/english/treaties/b-29.html>.

<sup>6</sup> The OAS has expanded over time. All 35 independent nations in the hemisphere have now signed the charter.

and recognized the near universal commitment to democracy in the region through the adoption of the Inter-American Democratic Charter in 2001.<sup>7</sup>

According to the OAS Charter, as amended, the purpose of the organization is to

- strengthen the peace and security of the continent;
- promote and consolidate representative democracy, with due respect for the principle of nonintervention;
- prevent possible causes of difficulties and ensure the pacific settlement of disputes that may arise among member states;
- provide for common action on the part of those states in the event of aggression;
- seek the solution of political, juridical, and economic problems that may arise among them;
- promote, by cooperative action, their economic, social, and cultural development;
- eradicate extreme poverty, which constitutes an obstacle to the full democratic development of the peoples of the hemisphere; and
- achieve an effective limitation of conventional weapons that will make it possible to devote the largest amount of resources to the economic and social development of member states.<sup>8</sup>

## **Institutional Bodies**

The OAS is composed of a variety of councils, committees, and other institutional organs, some of which are autonomous. There are three primary bodies, however, that are responsible for setting and carrying out the agenda of the OAS: the General Assembly, the Permanent Council, and the General Secretariat.

### **General Assembly**

The General Assembly is the principal policymaking organ of the OAS. It meets annually<sup>9</sup> to debate current issues, approve the organization's budget, and set policies to govern the other OAS bodies. The General Assembly is composed of the delegations of each of the 34 participating member states,<sup>10</sup> with each state having a single vote. It is empowered to adopt most decisions with the affirmative votes of an absolute majority of the member states; however, some decisions, including the adoption of the agenda and the approval of budgetary matters, require the affirmative votes of two-thirds of the member states. In practice, the General Assembly tends to operate by consensus. The 2016 General Assembly was held in the Dominican Republic on June

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<sup>7</sup> U.S. Congress, Senate Committee on Foreign Relations and House Committee on Foreign Affairs, *Inter-American Relations: A Collection of Documents, Legislation, Descriptions of Inter-American Organizations, and Other Material Pertaining to Inter-American Affairs*, Joint Committee Print, Prepared by the Congressional Research Service, 100<sup>th</sup> Cong., 2<sup>nd</sup> sess., December 1988, S.Prt. 100-168 (Washington: GPO, 1989); O. Carlos Stoetzer, *The Organization of American States*, 2<sup>nd</sup> ed. (Westport, CT: Praeger, 1993); and OAS, "Our History," at [http://www.oas.org/en/about/our\\_history.asp](http://www.oas.org/en/about/our_history.asp).

<sup>8</sup> OAS, *Charter of the Organization of American States*, at <http://www.oas.org/juridico/english/charter.html>.

<sup>9</sup> A special session of the General Assembly can be convoked by a two-thirds vote of the Permanent Council.

<sup>10</sup> Although the OAS technically has 35 member states, Cuba does not currently participate in the OAS. See "Reintegration of Cuba into the Inter-American System" below for more information.

13-15. The next regular session of the General Assembly is scheduled to be held in Mexico in June 2017.

### **Permanent Council**

The day-to-day business of the OAS is conducted by the Permanent Council, which meets regularly throughout the year at the organization's headquarters in Washington, DC. Among other activities, the Permanent Council works to maintain friendly relations among member states, assists in the peaceful settlement of disputes, carries out decisions assigned to it by the General Assembly, regulates the General Secretariat when the General Assembly is not in session, receives reports from the various bodies of the inter-American system, and submits recommendations to the General Assembly. Additionally, the Permanent Council is empowered by the Inter-American Democratic Charter to undertake necessary diplomatic initiatives in the event of an unconstitutional alteration of government. Each member state appoints one representative to the Permanent Council, and each member state has a single vote. The affirmative votes of two-thirds of the member states are required for most Permanent Council decisions. Like the General Assembly, however, the Permanent Council tends to operate by consensus.

### **General Secretariat**

The General Secretariat, directed by the Secretary-General and the Assistant Secretary-General, is the permanent body charged with implementing the policies set by the General Assembly and the Permanent Council. The Secretary-General and the Assistant Secretary-General are elected by the General Assembly and serve five-year terms with the possibility of one reelection. According to the OAS Charter, the Secretary-General serves as the legal representative of the organization and is allowed to participate in all OAS meetings with a voice but without a vote. The Secretary-General is also empowered to establish offices and hire personnel to implement OAS mandates. Some analysts maintain that—given the virtual paralysis of the organization that can result from differences among member states and the need for consensus—“the effectiveness of the OAS critically depends on the consistent, vigorous, and sometimes risk-taking leadership of the Secretary General.”<sup>11</sup>

The current Secretary-General of the OAS is Luis Almagro, the former foreign minister of Uruguay. He was elected in March 2015 and took office on May 26, 2015. He succeeded José Miguel Insulza of Chile, who served two terms as Secretary-General, from 2005 to 2015. While Insulza generally focused his efforts on establishing consensus among the member states, Almagro has taken a more activist role, speaking out about democracy and human rights concerns and seeking to establish a larger role for the OAS in resolving the hemisphere's challenges. Almagro's leadership has won praise from U.S. policymakers and many other international observers, but his outspoken style could lead some member states to further reduce their support for the OAS.<sup>12</sup>

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<sup>11</sup> Inter-American Dialogue, *Responding to the Hemisphere's Political Challenges: Report of the Inter-American Dialogue Task Force on the Organization of American States*, June 2006, p. 7. (Hereinafter: Inter-American Dialogue, 2006).

<sup>12</sup> Franco Ordoñez, “Uruguayan Diplomat Luis Almagro Makes OAS a Player, Again,” McClatchy, March 12, 2016; Maria Carrasquillo, “Almagro's Freshman Year: Bold Actions or Unnecessary Risk?” *American University, Center for Latin American and Latino Studies, AULA Blog*, June 16, 2016.

## Budget

The OAS budget is expected to total \$148.3 million in 2016 (see **Table 1**). The largest portion of the budget is the Regular Fund, which supports the operations of the General Secretariat. The Regular Fund is financed through the assessed contributions, or membership dues, of OAS member states. Assessed contributions are calculated based on gross national income, with adjustments for debt burden and low per capita income.<sup>13</sup> Since 1997, the OAS has sought to supplement the Regular Fund by collecting Specific Funds—voluntary contributions from member states and other international donors that are directed to specific projects or programs. Despite the addition of Specific Funds, the OAS has faced persistent strains on its budget for a number of years (for more information, see “Management and Budget Concerns” below).

**Table 1. Organization of American States Budget: 2012-2017**  
(millions of current U.S. dollars)

	2012	2013	2014	2015	2016 (est.)	2017 (req.)
<b>Regular Fund</b>	83.5	83.4	82.8	81.2	84.3	85.0
<b>Specific Funds</b>	63.1	54.5	59.3	54.5	59.5	80.4
<b>Indirect Cost Recovery (ICR)<sup>a</sup></b>	5.2	5.2	4.9	4.6	4.5	4.5
<b>Total</b>	151.9	143.1	147.0	140.4	148.3	169.9

**Source:** OAS, *Proposed Program-Budget of the Organization of American States, 2017, First Year of the 2017-2018 Biennium*, August 11, 2016; and *Program Budget of the Organization, Biennium 2015-2016*, November 2014.

a. A certain percentage (usually 11%-12%) of each contribution to Specific Funds is paid to the ICR account to defray indirect costs incurred by the General Secretariat in administering Specific Fund activities.

The United States is the top source of funding for the OAS. The United States contributed at least \$58.5 million in FY2015—equivalent to nearly 42% of the total 2015 OAS budget (see **Table 2**). The largest other member state donors in 2015 were Canada (\$10.8 million), Mexico (\$6.4 million), Brazil (\$4.2 million), Argentina (\$2.2 million), and Colombia (\$1.6 million). The largest nonmember donors were Spain (\$5.5 million), the Netherlands (\$4.0 million), the European Union (\$3.2 million), the United Kingdom (\$1.7 million), and Germany (\$1.2 million).<sup>14</sup>

The United States is currently responsible for providing 59.47% of the organization’s assessed dues. The U.S. assessed contribution is an estimated \$49.2 million in FY2016, and the Obama Administration has requested \$49.6 million for FY2017. A provision of the OAS Revitalization and Reform Act of 2013 (P.L. 113-41), signed into law in October 2013, calls on the OAS to alter its fee structure within five years so that no member state is responsible for more than 50% of the organization’s assessed dues.

In addition to the assessed contribution, the United States is providing at least \$6.4 million in voluntary contributions to the OAS in FY2016. Some U.S. voluntary contributions are provided through the OAS Development Assistance Fund (hereinafter Development Fund) and the OAS

<sup>13</sup> For 2016, the maximum assessed contribution is 59.47% and the minimum is 0.022%.

<sup>14</sup> OAS, *Contributions to OAS Funds by Donor: From January 01, 2015 to December 31, 2015*, at [http://www.oas.org/saf/DFAMS/2015/12/SF\\_TABLE\\_CONTOAS\\_20151231\\_EN.pdf](http://www.oas.org/saf/DFAMS/2015/12/SF_TABLE_CONTOAS_20151231_EN.pdf). Non-hemispheric nations can be granted “permanent observer status,” which permits them to participate in OAS activities and contribute to OAS programs. Currently, there are 70 “permanent observer” nations.

Fund for Strengthening Democracy (hereinafter Democracy Fund). Much of the funding provided through the Development Fund is used to finance national and multinational development projects. Other funding supports U.S. strategic goals at the Summits of the Americas<sup>15</sup> and projects such as the Inter-American Social Protection Network and the Energy and Climate Partnership of the Americas. The Democracy Fund supports a number of activities in the region, including electoral observation missions, the Inter-American Commission on Human Rights, and technical assistance for member state electoral bodies.

**Table 2. U.S. Funding for the OAS: FY2012-FY2017**

(millions of current U.S. dollars)

	FY2012	FY2013	FY2014	FY2015	FY2016 (est.)	FY2017 (req.)
<b>Regular Fund</b>	48.5	48.5	48.5	49.1	49.2	49.6
<b>Specific Funds</b>	17.9	17.2	10.9	9.4	6.4	7.0
[Development Fund]	[3.5]	[3.3]	[3.4]	[3.4]	[2.3]	[3.0]
[Democracy Fund]	[4.5]	[4.3]	[4.5]	[4.5]	[4.1]	[4.0]
[Other] <sup>a</sup>	[9.9]	[9.6]	[3.0]	[1.5]	[NA]	[NA]
<b>Total</b>	<b>67.5</b>	<b>65.7</b>	<b>59.4</b>	<b>58.5</b>	<b>55.6</b>	<b>56.6</b>
<b>% of OAS Budget<sup>b</sup></b>	44.4	45.9	40.4	41.7	NA	NA

**Sources:** U.S. Department of State, *Congressional Budget Justifications for FY2014-FY2017*; Explanatory Statement accompanying the Consolidated Appropriations Act, 2016 (P.L. 114-113); and data provided to CRS by the U.S. Mission to the OAS.

**Notes:** U.S. contributions to the Regular Fund are provided through the Contributions to International Organizations (CIO) account, and voluntary contributions for the OAS Development and Democracy Funds are provided through the International Organization and Programs (IO&P) account. NA = not available.

- a. Some U.S. agencies may have provided additional contributions to the OAS beyond those captured here. Since these voluntary contributions are not included in the annual budget request and are provided over the course of each fiscal year, it is not yet known what total U.S. funding will be in FY2016 or FY2017.
- b. Calculated using total U.S. contributions per fiscal year as a percentage of the annual OAS budget. The OAS sets its budget by calendar years.

While U.S. contributions to the Development and Democracy Funds are included in annual appropriations requests, various U.S. agencies generally provide additional voluntary contributions to other OAS programs over the course of each fiscal year. In recent years, these additional contributions have supported programs such as the Inter-American Drug Abuse Commission, the Inter-American Committee against Terrorism, and the Follow-Up Mechanism on Implementation of the Inter-American Convention against Corruption. According to the U.S.

<sup>15</sup> The Summits of the Americas are institutionalized gatherings where the heads of state and government of the Western Hemisphere meet and discuss how to address common challenges. They have taken place roughly every three years since 1994. The Seventh Summit of the Americas was held in Panama City, Panama, on April 10-11, 2015. The OAS serves as the technical secretariat for the Summits of the Americas and is responsible for carrying out some of the mandates issued by the member states. For more information, see CRS Report R43952, *Seventh Summit of the Americas: In Brief*, by Peter J. Meyer.

Mission to the OAS, U.S. voluntary contributions provide the United States with leverage to support initiatives that advance U.S. strategic goals and interests in the organization and region.<sup>16</sup>

The Senate Appropriations Committee's FY2017 Department of State, Foreign Operations, and Related Programs Appropriations Act (S. 3117) would provide at least \$16.5 million for voluntary contributions to the OAS. According to the report (S.Rept. 114-290) accompanying the bill, it would provide \$4 million for the Democracy Fund, which is the same as the Administration request, and \$1 million for the Development Fund, which is \$2 million less than requested. The measure would also provide \$7 million for the Inter-American Commission on Human Rights and \$4.5 million for OAS Mission to Support the Fight Against Corruption and Impunity in Honduras. The House Appropriations Committee's FY2017 Department of State, Foreign Operations, and Related Programs Appropriations Act (H.R. 5912) does not designate specific funding levels for voluntary contributions to the OAS.

## Current Priorities

In 2014, the General Assembly adopted a "Strategic Vision of the OAS," which reiterates that the four core pillars of the organization's mission are

- strengthening democracy;
- promoting and protecting human rights;
- advancing integral development; and
- fostering multidimensional security.<sup>17</sup>

Those priorities are relatively consistent with the Obama Administration's approach to the Western Hemisphere, which seeks to strengthen democracy and human rights, improve security and the rule of law, and promote prosperity and inclusive growth for all citizens of the region.<sup>18</sup>

Since assuming office in May 2015, Secretary-General Almagro has taken steps to better align the organization's structure and resources with the four pillars delineated in the strategic vision. The Permanent Council is now preparing a four-year comprehensive strategic plan for the OAS, which will include work plans under each of the four pillars and evaluation mechanisms to assess progress. The General Assembly has directed the Permanent Council to complete the strategic plan by September 15, 2016, and submit it for consideration to a special session of the General Assembly in October 2016.<sup>19</sup>

## Democracy Promotion

The OAS has played an active role in promoting and defending democracy since the end of the Cold War and the return to civilian governance in most of the hemisphere. Member states

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<sup>16</sup> U.S. Mission to the OAS, "OAS Programs and Initiatives Receiving Direct USG/USOAS Funding," provided to CRS in February 2012.

<sup>17</sup> OAS, *Strategic Vision of the Organization of American States*, AG/RES. 2814 (XLIV-O/14), June 4, 2014.

<sup>18</sup> U.S. Congress, House Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, *Examining FY 2017 Funding Priorities in the Western Hemisphere*, Testimony of Francisco L. Palmieri, Principal Deputy Assistant Secretary of State, Bureau of Western Hemisphere Affairs, U.S. Department of State, 114<sup>th</sup> Cong., 2<sup>nd</sup> sess., April 27, 2016. For more information on U.S. policy and interests in the hemisphere, see CRS Report R43882, *Latin America and the Caribbean: Key Issues for the 114th Congress*, coordinated by Mark P. Sullivan.

<sup>19</sup> OAS, *Four-Year Strategic Plan of the Organization*, AG/RES.2890 (XLVI-O/16), June 14, 2016.

approved a series of instruments designed to support democratic governance,<sup>20</sup> culminating in the adoption of the Inter-American Democratic Charter on September 11, 2001. The charter asserts that the peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it.<sup>21</sup> The OAS has sought to uphold these commitments through a number of activities, which include support for, and observation of, elections; technical assistance and other programs to foster institutional development and good governance; and the coordination of collective action when democratic institutions are threatened. While many analysts assert that the OAS has played an important role in normalizing democratic governance in the region,<sup>22</sup> some scholars maintain that the organization is selective in its defense of democracy.<sup>23</sup>

## Electoral Observation Missions

One of the primary ways in which the OAS promotes democracy is through electoral observation missions. Since it began observing electoral processes in 1962, the OAS has deployed more than 230 electoral observation missions in 27 countries.<sup>24</sup> Over the years, the OAS has earned a reputation for impartiality and technical competence, playing an important role in the legitimization of electoral processes as many Latin American and Caribbean countries transitioned from authoritarian rule to representative democracy.<sup>25</sup> Some analysts have been critical of OAS observation missions in certain instances, however, maintaining that the organization has occasionally offered legitimacy to flawed elections.<sup>26</sup>

Today, the objectives of OAS electoral observation missions include observing electoral processes; encouraging citizen participation; verifying compliance with election laws; ensuring electoral processes are conducted in impartial, reliable, and transparent manners; and making recommendations to improve electoral systems. The OAS observes several electoral processes every year, but each mission must be invited by the country holding the election and must solicit separate funding from the international donor community. In 2015, the OAS monitored 14

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<sup>20</sup> In 1991, the OAS General Assembly adopted resolution 1080, which instructs the Secretary-General to convoke the Permanent Council or the General Assembly in the event of an interruption of democratic governance in a member state. The following year, the OAS became the first regional political organization to allow the suspension of a member state for the forceful overthrow of a democratically constituted government when it ratified an amendment to its charter known as the Washington Protocol.

<sup>21</sup> OAS, *Inter-American Democratic Charter*, at [http://www.oas.org/OASpage/eng/Documents/Democratic\\_Charter.htm](http://www.oas.org/OASpage/eng/Documents/Democratic_Charter.htm).

<sup>22</sup> See, for example, Canadian Foundation for the Americas (FOCAL), "Election Monitoring in the Americas," *FOCALPoint*, vol. 9, no. 1 (February 2010); and Pablo Policzer, *The Next Stage of Democracy Promotion*, FOCAL, Note Politique, July 2010.

<sup>23</sup> See, for example, Barry S. Levitt, "A Desultory Defense of Democracy: OAS Resolution 1080 and the Inter-American Democratic Charter," *Latin American Politics and Society*, vol. 48, no.3 (2006), pp. 93-123; and Craig Arceneaux and David Pinion-Berlin, "Issues, Threats, and Institutions: Explaining OAS Responses to Democratic Dilemmas in Latin America," *Latin American Politics and Society*, vol. 49, no. 2 (2007), pp. 1-31. (Hereinafter: Arceneaux & Pinion-Berlin, 2007).

<sup>24</sup> Luis Almagro, OAS Secretary-General, "The OAS and Electoral Observation: A Highly Credible Public Good," *Daily Observer* (Antigua and Barbuda), August 11, 2015; OAS, Department of Electoral Cooperation and Observation, "Electoral Observation Missions," at <http://www.oas.org/en/spa/deco/moe.asp>.

<sup>25</sup> U.S. Permanent Mission to the OAS, "Democracy Promotion & Human Rights," at <http://www.usoas.usmission.gov/democracy.html>.

<sup>26</sup> See, for example, David Rosnick, *The Organization of American States in Haiti: Election Monitoring or Political Intervention?*, Center for Economic and Policy Research (CEPR), Washington, DC, August 2011; and Rubén M. Perina, "The Future of Electoral Observation," *Americas Quarterly* (Spring 2012).

electoral processes in 12 countries: Belize, Bolivia, Colombia, El Salvador, Guatemala, Guyana, Haiti, Mexico, Paraguay, Saint Kitts and Nevis, Saint Vincent and the Grenadines, and Suriname.<sup>27</sup> The U.S. government has invited the OAS to observe the 2016 election.<sup>28</sup>

### **Institutional Strengthening**

The OAS also promotes democracy by providing technical assistance to member states designed to strengthen institutions and improve good governance. Among other activities, the organization's Secretariat for Strengthening Democracy conducts research, provides training in public management, analyzes risk factors for democratic instability, and promotes cooperation among government officials. It also supports conflict resolution efforts. The OAS Mission to Support the Peace Process in Colombia, for example, provides verification and advisory support to the Colombian government regarding the demobilization and reintegration into society of illegal armed groups.<sup>29</sup>

The OAS also supports efforts to combat corruption. OAS member states adopted the Inter-American Convention Against Corruption (Treaty Doc. 105-39) in 1996.<sup>30</sup> The convention is designed to improve government transparency by strengthening anticorruption laws and facilitating cooperation among member states. Under the follow-up mechanism on the implementation of the convention, member states submit themselves to a reciprocal review process that evaluates how well they are implementing the convention, formulates recommendations for improving anticorruption efforts, and facilitates the exchange of information to harmonize the region's anticorruption legal frameworks.<sup>31</sup> The OAS is providing additional anticorruption support to Honduras through the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH by its Spanish acronym). The MACCIH, established in January 2016, includes international prosecutors, judges, and forensics experts who are advising and assisting Honduran officials in the investigation and prosecution of corruption and criminal networks.<sup>32</sup>

### **Collective Defense of Democracy**

In addition to supporting elections and institutional strengthening activities, the OAS undertakes diplomatic initiatives designed to protect and restore democracy. As noted previously, by adopting the Inter-American Democratic Charter, OAS member states accepted an obligation to promote and defend democratic governance. However, disagreements among member states regarding when it is appropriate for the OAS to apply the provisions of the Democratic Charter have limited the organization's actions.

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<sup>27</sup> OAS, "Electoral Observation Missions," at <http://www.oas.org/en/spa/deco/moe.asp>.

<sup>28</sup> OAS, "OAS to Observe November 8 Elections in the United States," July 27, 2016, at <https://vimeo.com/176519878>.

<sup>29</sup> OAS, "Secretariat for Strengthening Democracy," at <http://www.oas.org/en/spa/>; U.S. Permanent Mission to the OAS, "Democracy Promotion & Human Rights," at <http://www.usoas.usmission.gov/democracy.html>.

<sup>30</sup> President Clinton submitted the Inter-American Convention Against Corruption to the Senate, for its advice and consent, in April 1998, and the Senate agreed to the resolution in July 2000.

<sup>31</sup> OAS, "Anti-Corruption Portal of the Americas," at <http://www.oas.org/juridico/english/FightCur.html>.

<sup>32</sup> Presidencia de la República de Honduras and Organization of American States, Agreement between the Government of the Republic of Honduras and the General Secretariat of the Organization of American States for the Establishment of the Mission to Support the Fight Against Corruption and Impunity in Honduras, January 19, 2016, at <http://www.oas.org/documents/eng/press/agreement-MACCIH-jan19-2016.pdf>. For more information, see CRS Report RL34027, *Honduras: Background and U.S. Relations*, by Peter J. Meyer.

Article 20 of the Democratic Charter (see the text box below), which allows any member state or the Secretary-General to call for collective action to address an “unconstitutional alteration of the constitutional regime,” has been invoked by OAS member states on only three occasions, each of which followed the ouster of a president.<sup>33</sup> In other instances, such as conflicts between branches of government or the erosion of liberal democratic institutions by democratically elected leaders, member states generally have been unwilling to support bold OAS actions, deferring instead to the principle of nonintervention.<sup>34</sup> In May 2016, for example, Secretary-General Almagro called on the Permanent Council to undertake a collective assessment of the situation in Venezuela pursuant to Article 20 of the Democratic Charter. Although the Permanent Council ultimately agreed to hold a meeting on June 23, the member states opted not to characterize the state of democracy in Venezuela or take any other additional actions. (For more discussion of the charter and its application, see “Application of the Inter-American Democratic Charter” below.)

### Article 20 of the Inter-American Democratic Charter

In the event of an unconstitutional alteration of the constitutional regime that seriously impairs the democratic order in a member state, any member state or the Secretary General may request the immediate convocation of the Permanent Council to undertake a collective assessment of the situation and to take such decisions as it deems appropriate.

The Permanent Council, depending on the situation, may undertake the necessary diplomatic initiatives, including good offices, to foster the restoration of democracy.

If such diplomatic initiatives prove unsuccessful, or if the urgency of the situation so warrants, the Permanent Council shall immediately convene a special session of the General Assembly. The General Assembly will adopt the decisions it deems appropriate, including the undertaking of diplomatic initiatives, in accordance with the Charter of the Organization, international law, and the provisions of this Democratic Charter.

The necessary diplomatic initiatives, including good offices, to foster the restoration of democracy, will continue during the process.

## Human Rights Protection

Many analysts consider the inter-American human rights system to be the most effective part of the OAS.<sup>35</sup> Unlike most of the organization’s bodies, the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights are autonomous, allowing them to execute their mandates to promote and protect human rights<sup>36</sup> without needing to establish consensus among member states on every action. Consequently, advocates maintain, the two

<sup>33</sup> Article 20 of the Democratic Charter was invoked after President Hugo Chávez was temporarily removed from power in Venezuela in 2002, several months after Haitian President Jean-Bertrand Aristide went into exile in 2004, and following the ouster of President Manuel Zelaya in Honduras in 2009. See OAS, *Support for Democracy in Venezuela*, AG/RES. 1 (XXIX-E/02), April 18, 2002; *Situation in Haiti: Strengthening of Democracy*, AG/RES. 2058 (XXXIV-O/04), June 8, 2004; and *Resolution on the Political Crisis in Honduras*, AG/RES.1 (XXXVII-E/09), July 1, 2009.

<sup>34</sup> Arceneaux & Pinion-Berlin, 2007.

<sup>35</sup> See, for example, “Chipping at the Foundations: The Regional Justice System Comes Under Attack from the Countries Whose Citizens Need It Most,” *Economist*, June 9, 2012; and Victoria Amato, “Taking Stock of the Reflection on the Workings of the Inter-American Commission on Human Rights,” *Aportes: Magazine of the Due Process of Law Foundation*, vol. 5, no. 16 (June 2012), p. 5. (Hereinafter: Amato, 2012).

<sup>36</sup> The human rights that the nations of the hemisphere have agreed to respect and guarantee are defined in the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights, and the various other inter-American human rights treaties available at [http://www.oas.org/en/iachr/mandate/basic\\_documents.asp](http://www.oas.org/en/iachr/mandate/basic_documents.asp).

bodies are able to take on the “pivotal role of condemnation and early warning in response to situations that undermine the consolidation of democracy and rule of law” in the hemisphere.<sup>37</sup>

In the first decades after its 1959 inception, the IACHR’s documentation of human rights violations brought international attention to the abuses of repressive regimes. Although the human rights situation in the hemisphere has improved significantly as countries have transitioned away from dictatorships to democratic governments, the IACHR continues to play a significant role. Among other actions, the IACHR receives, analyzes, and investigates individual petitions alleging human rights violations. It received nearly 2,200 such petitions in 2015.<sup>38</sup> It also issues requests to governments to adopt “precautionary measures” in certain cases where individuals or groups are at risk of suffering serious and irreparable harm to their human rights. The IACHR receives several hundred petitions for precautionary measures annually, and in 2015, it issued requests to governments in 38 cases.<sup>39</sup> Additionally, the IACHR observes the general human rights situations in member states, conducting on-site visits to carry out in-depth analyses; publishing special reports when warranted; and noting in its annual report which countries’ human rights situations deserve special attention, follow-up, and monitoring. In its most recent annual report (issued in March 2016 and covering 2015), the IACHR made special note of the human rights situations in Cuba, Guatemala, and Venezuela.<sup>40</sup>

Since 1990, the IACHR has created rapporteurships to draw attention to emerging human rights issues and certain groups that are particularly at risk of human rights violations due to vulnerability and discrimination. There are currently 10 rapporteurships, which focus on freedom of expression; human rights defenders; economic, social, and cultural rights; and the rights of women, children, indigenous peoples, afro-descendants, prisoners, migrants, and lesbian, gay, bisexual, trans, and intersex (LGBTI) persons. These rapporteurships, particularly the Special Rapporteur for Freedom of Expression, have proven effective in drawing attention to potential abuses.

The Inter-American Court of Human Rights, created in 1979, is an autonomous judicial institution charged with interpreting and applying the American Convention on Human Rights. Currently, 20 OAS member states accept the court’s jurisdiction; the United States does not.<sup>41</sup> According to a number of analysts, the Inter-American Court has played an important role in the development of international human rights case law, securing justice for individual victims while facilitating structural changes to prevent future violations.<sup>42</sup> In 2014, for example, the Inter-American Court ruled that the Dominican Republic discriminated against Dominicans of Haitian descent and violated their rights to a nationality by expelling them from the country. The ruling ordered the Dominican government to provide legal documentation and financial compensation to the victims that brought the case, and to annul any law that deprives individuals born in the Dominican Republic from receiving Dominican citizenship.<sup>43</sup>

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<sup>37</sup> Ariel E. Dulitzky, “Twenty Reflections on the Process of Reflection,” *Aportes: Magazine of the Due Process of Law Foundation*, vol. 5, no. 16 (June 2012), p. 11.

<sup>38</sup> Inter-American Commission on Human Rights (IACHR), *Annual Report of the Inter-American Commission on Human Rights 2015*, March 17, 2016, p.65, at <http://www.oas.org/en/iachr/docs/annual/2015/TOC.asp>. (Hereinafter: IACHR, March 2016).

<sup>39</sup> IACHR, “Precautionary Measures,” at <http://www.oas.org/en/iachr/decisions/precautionary.asp>.

<sup>40</sup> IACHR, March 2016.

<sup>41</sup> Inter-American Court of Human Rights, *Annual Report 2015*, San José, Costa Rica, 2015, p. 11, at [http://www.corteidh.or.cr/sitios/informes/docs/ENG/eng\\_2015.pdf](http://www.corteidh.or.cr/sitios/informes/docs/ENG/eng_2015.pdf).

<sup>42</sup> See, for example, Viviana Krsticevic, “The Promise of Protecting All,” *Americas Quarterly* (Summer 2009).

<sup>43</sup> Inter-American Court of Human Rights, *Case of Expelled Dominicans and Haitians v. Dominican Republic*, August (continued...)

## Economic and Social Development

Although the region has made considerable strides in terms of economic growth and social inclusion, poverty and inequality levels remain high in many countries, and the OAS continues to support development efforts. The organization's Department of Economic Development, for example, supports efforts to enhance the productivity and competitiveness of economic actors in the region, with particular emphasis on micro, small, and medium-sized enterprises (MSMEs). It also provides training to governments designed to strengthen their capacities' to negotiate and implement trade and investment agreements, and take advantage of new trade opportunities.<sup>44</sup>

The Inter-American Agency for Cooperation and Development also supports development efforts through the OAS Development Cooperation Fund. Formerly known as the Special Multilateral Fund of the Inter-American Council for Integral Development (FEMCIDI by its Spanish acronym), the fund was established in 1997 to address the most urgent needs of member states, especially those with smaller and more vulnerable economies. The OAS Development Cooperation Fund supports efforts to strengthen institutions and build human capacity, with current projects focused in the areas of social inclusion, social protection, productive employment, community development, and workforce development. Voluntary contributions to the Development Cooperation Fund have declined drastically over the last seven years, falling from more than \$6 million per year to \$426,000 in 2015. Nevertheless, the OAS Board of External Auditors maintains that the fund is still able to "bring much needed benefits to member states" by providing seed funding that can be leveraged through partnerships with other institutions.<sup>45</sup>

The Inter-American Social Protection Network is another OAS initiative designed to foster economic and social development in the hemisphere. It was launched in September 2009 as a forum for member states to share experiences and best practices with regards to social protection systems. Over the past two decades, several countries in the region have implemented conditional cash transfer programs<sup>46</sup> or other innovative social policies that have proven successful at reducing poverty and inequality. Through the Inter-American Social Protection Network, the OAS aims to facilitate the introduction of such programs to countries that have yet to establish effective social protection policies.<sup>47</sup>

Some analysts argue that the OAS should transition out of the development sector. They contend that OAS development programs "are, almost without exception, poor quality copies of those undertaken by other institutions," such as the Inter-American Development Bank and the U.N.

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28, 2014. For more information on the case and the response of the Dominican Republic, see CRS Report R41482, *Dominican Republic: Background and U.S. Relations*, by Clare Ribando Seelke.

<sup>44</sup> OAS, "Trade and Economic Development," <http://www.oas.org/en/sedi/desd/tesd/>.

<sup>45</sup> OAS Board of External Auditors, *2015 Report to the Permanent Council: Annual Audit of Accounts and Financial Statements for the Years Ended December 31, 2015 and 2014*, JAE/doc. 46/16, May 9, 2016, p.21. (Hereinafter: OAS Board of External Auditors, 2016).

<sup>46</sup> Conditional cash transfer programs, such as Mexico's *Oportunidades* and Brazil's *Bolsa Familia*, generally provide a cash stipend to poor families that commit to certain conditions, such as ensuring that their children are attending school and receiving preventative medical care. They are designed to provide short-term poverty alleviation while building human capital for long-term development.

<sup>47</sup> Hillary Rodham Clinton, Secretary of State, "Remarks at the Launch of the Inter-American Social Protection Network (IASPN)," U.S. Department of State, September 22, 2009; OAS, "OAS Assistant Secretary General Calls on Countries and International Organizations to Support the Inter-American Social Protection Network," Press Release, August 10, 2011.

Development Program, and that the OAS's limited resources should be focused on areas where the organization has a comparative advantage, such as democracy promotion, human rights protection, and conflict resolution.<sup>48</sup> Member states, however, rank integral development as the top priority of the organization.<sup>49</sup>

## Regional Security Cooperation

The OAS has dedicated greater attention to hemispheric security issues as member states have become increasingly concerned about transnational criminal threats. In 2005, the OAS created the Secretariat for Multidimensional Security in an attempt to address these security issues in a more comprehensive manner and better coordinate member states' efforts. The Secretariat supports a wide variety of activities, including efforts to reduce gang violence, prevent human trafficking, and remove land mines. Two issues that fall under the umbrella of regional security cooperation and may be of particular interest to Congress are illicit narcotics and terrorism.

### Anti-Drug Efforts

Concerns that the production, trafficking, and consumption of illicit narcotics posed a serious threat to the entire Western Hemisphere led OAS member states to establish the Inter-American Drug Abuse Control Commission (CICAD by its Spanish acronym) in 1986. The commission's primary purpose is to develop and promote a comprehensive anti-drug policy for the region. CICAD's most recent hemispheric drug strategy was adopted in May 2010. It defines the world drug problem as "a complex, dynamic and multi-causal phenomenon" that requires "shared responsibility among all states."<sup>50</sup> The strategy includes over 50 guidelines for member states in the areas of institutional strengthening, demand reduction, supply reduction, control measures, and international cooperation. It also includes some policy shifts from the previous strategy, such as calling on member states to treat drug addiction as a public health matter and explore treatment and rehabilitation as alternatives to criminal prosecution.

In addition to formulating strategy, CICAD assists OAS member states in strengthening their anti-drug policies. It conducts research, develops and recommends legislation, and provides technical assistance and specialized training. CICAD also conducts assessments of member states' progress through its multilateral evaluation mechanism. Each member state is required to submit reports documenting their efforts to combat drug trafficking and related activities, which are then evaluated by a multidisciplinary group of experts who are appointed by each of the member states. The experts identify strengths and weaknesses and offer recommendations.<sup>51</sup>

Although some analysts contend that CICAD has reinforced "Washington's hardline approach" to illicit narcotics,<sup>52</sup> others assert that the commission and its multilateral evaluation mechanism have been instrumental in building trust and establishing common ground for cooperation between the United States and other OAS member states.<sup>53</sup> After several regional leaders

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<sup>48</sup> Kevin Casas-Zamora, "Reform the OAS," Inter-American Dialogue, July 18, 2016.

<sup>49</sup> OAS, *Establishment of Priorities of the Member States*, CAAP/GT/RVPP-85/11 rev.1, March 2, 2011.

<sup>50</sup> CICAD, *Hemispheric Drug Strategy*, May 2010, at [http://www.cicad.oas.org/Main/Template.asp?File=/main/aboutcicad/basicdocuments/strategy\\_2010\\_eng.asp](http://www.cicad.oas.org/Main/Template.asp?File=/main/aboutcicad/basicdocuments/strategy_2010_eng.asp).

<sup>51</sup> CICAD's country evaluations are available at [http://www.cicad.oas.org/Main/Template.asp?File=/mem/reports/default\\_eng.asp](http://www.cicad.oas.org/Main/Template.asp?File=/mem/reports/default_eng.asp).

<sup>52</sup> Adam Isacson, "Conflict Resolution in the Americas: The Decline of the OAS," *World Politics Review*, May 22, 2012.

<sup>53</sup> Betty Horwitz, "The Role of the Inter-American Drug Abuse Control Commission (CICAD): Confronting the (continued...)"

expressed frustration with the results of U.S.-backed counternarcotics policies, for example, the heads of state attending the Sixth Summit of the Americas called for the OAS to analyze the results of those policies and explore alternative approaches that may be more effective. In response, CICAD prepared two reports that were published in May 2013. Among other findings, the reports suggest that member states may benefit from greater policy flexibility, potentially including decriminalization of marijuana.<sup>54</sup> Member states are taking those findings into consideration as they draft CICAD's 2016-2020 Plan of Action for the Hemispheric Drug Strategy.<sup>55</sup>

## Anti-Terrorism Efforts

In the aftermath of the 2001 terrorist attacks on the United States, the OAS took action to strengthen hemispheric cooperation against terrorism.<sup>56</sup> The OAS was the first international organization to formally condemn the attacks of September 11, adopting a Permanent Council resolution on September 19 that called the terrorist actions an “attack against all States of the Americas.”<sup>57</sup> It also adopted a resolution, at Brazil's request, to invoke the Rio Treaty—the collective security pact of the Western Hemisphere.<sup>58</sup> A Meeting of Consultation of the Ministers of Foreign Affairs<sup>59</sup> adopted another resolution on September 21, 2001, which included provisions that called on OAS member states to “pursue, capture, prosecute, and punish ... the perpetrators, organizers, and sponsors” of the terrorist acts; deny terrorist groups the ability to operate within their territories; and strengthen anti-terrorism cooperation.<sup>60</sup> In June 2002, OAS member states adopted the Inter-American Convention Against Terrorism (Treaty Doc. 107-18), through which they committed to take action against the financing of terrorism, ratify U.N. anti-terrorism instruments, improve cooperation among law enforcement, and deny asylum to suspected terrorists.<sup>61</sup>

Cooperation on terrorism issues has continued through the reinvigorated Inter-American Committee on Terrorism (CICTE by its Spanish acronym). CICTE was established in 1999 and

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Problem of Illegal Drugs in the Americas,” *Latin American Politics and Society*, vol. 52, no. 2 (Summer 2010).

<sup>54</sup> The reports, *The Drug Problem in the Americas* and *Scenarios for the Drug Problem in the Americas: 2013-2025*, are available at [http://www.oas.org/documents/eng/press/Introduction\\_and\\_Analytical\\_Report.pdf](http://www.oas.org/documents/eng/press/Introduction_and_Analytical_Report.pdf) and [http://www.oas.org/documents/eng/press/Scenarios\\_Report.PDF](http://www.oas.org/documents/eng/press/Scenarios_Report.PDF).

<sup>55</sup> OAS, “OAS Member States Begin Negotiations on the New Hemispheric Plan of Action on Drugs 2016-2020,” press release, April 27, 2015.

<sup>56</sup> For more information on terrorism issues in the region, see CRS Report RS21049, *Latin America: Terrorism Issues*, by Mark P. Sullivan and June S. Beittel.

<sup>57</sup> OAS, *Convocation of the Twenty-Third Meeting of the Consultation of Ministers of Foreign Affairs*, CP/RES. 796 (1293/01), September 19, 2011.

<sup>58</sup> OAS, *Convocation of the Twenty-Fourth Meeting of the Consultation of Ministers of Foreign Affairs to Serve as Organ of Consultation in Application of the Inter-American Treaty of Reciprocal Assistance*, CP/RES. 797 (1293/01), September 19, 2011.

<sup>59</sup> According to Article 61 of the OAS Charter, a Meeting of Consultation of Ministers of Foreign Affairs may be called “in order to consider problems of an urgent nature and of common interest to the American States, and to serve as the Organ of Consultation.” Article 65 of the Charter states that “in case of an armed attack on the territory of an American State or within the region of security delimited by the treaty in force, the Chairman of the Permanent Council shall without delay call a meeting of the Council to decide on the convocation of the Meeting of Consultation.”

<sup>60</sup> OAS, *Strengthening Hemispheric Cooperation to Prevent, Combat, and Eliminate Terrorism*, RC.23/RES. 1/01, September 21, 2011.

<sup>61</sup> President Bush submitted the Inter-American Convention Against Terrorism to the Senate, for its advice and consent, in November 2002, and the Senate agreed to the resolution in October 2005.

serves as the primary forum for cooperation on terrorism issues within the hemisphere. It provides a range of programs to assist member states in preventing, combating, and eliminating terrorism, and meeting their commitments under the Inter-American Convention Against Terrorism. These programs support efforts in five areas: border controls, critical infrastructure protection, counter-terrorism legislative assistance, crisis management exercises, and promotion of international cooperation and partnerships.<sup>62</sup> In 2015, CICTE conducted 62 training courses, technical assistance missions, and other activities that benefited nearly 3,700 participants.<sup>63</sup>

## Issues for Congress

Congress plays an important role in determining U.S. policy toward the OAS. As noted previously, the United States provided nearly 42% of the organization's funding in FY2015. Congress appropriates funds for the assessed contribution of the United States, as well as voluntary contributions to support specific projects in the hemisphere. Congress is also involved in the development of inter-American treaties, as any conventions negotiated by the executive branch must be submitted to the Senate for its advice and consent. Moreover, Congress is charged with providing oversight of how U.S. funds are spent. Members of Congress frequently voice concerns over OAS actions (or lack thereof) and recommend changes in policy. Policy issues that have drawn particular interest from some Members of Congress in recent years include the application of the Inter-American Democratic Charter, challenges to the inter-American human rights system, the management and budget of the OAS, the potential reintegration of Cuba into the inter-American system, and the rise of alternative regional organizations.

## Application of the Inter-American Democratic Charter

### *Background*

As noted previously, OAS member states adopted the Inter-American Democratic Charter in September 2001. The Democratic Charter begins by asserting that the peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it. It continues by noting that—in addition to free and fair elections—respect for human rights, the rule of law, political pluralism, and the separation of powers are all essential elements of representative democracy. The Democratic Charter calls on the OAS to promote democracy by carrying out electoral observation missions (when requested) and programs designed to promote democratic values and good governance. It also establishes mechanisms for collective action by member states when a nation's democratic institutions are under threat or have been overturned. The Democratic Charter states that “an unconstitutional interruption of the democratic order” in a member state is “an insurmountable obstacle to its government's participation” in the OAS, and allows the General Assembly to vote on suspension if diplomatic initiatives to restore democracy are unsuccessful.<sup>64</sup>

Since its adoption, there has been considerable debate within the hemisphere about how the provisions of the Inter-American Democratic Charter should be applied. While observers have called on the OAS to invoke the collective action mechanisms of the charter on numerous

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<sup>62</sup> James Patrick Kiernan, “Multidimensional Security in the Americas,” *Americas*, vol. 63, no. 3 (May/June 2011).

<sup>63</sup> U.S. Department of State, Bureau of Counterterrorism, *Country Reports on Terrorism 2015*, June 2016, p. 326.

<sup>64</sup> OAS, *Inter-American Democratic Charter*, at [http://www.oas.org/OASpage/eng/Documents/Democratic\\_Charter.htm](http://www.oas.org/OASpage/eng/Documents/Democratic_Charter.htm).

occasions, member states have done so in only a few cases. Analysts have identified three inter-related factors that have limited the operational scope of the Democratic Charter:

- tension between the principle of nonintervention enshrined in the OAS Charter<sup>65</sup> and the obligation to defend democracy through collective action;
- the lack of precise criteria for defining when a country has experienced a breakdown in the democratic order, and
- the inability of powers outside the executive branch to effectively access the OAS.<sup>66</sup>

Although OAS member states accepted that democratic breakdowns justify collective action when they adopted the Democratic Charter, they also placed limits on the charter's application in order to defend the principle of nonintervention. The OAS is not allowed to intervene in situations where democratic institutions appear to be threatened unless the country requests assistance, and collective action without a member state's consent can only take place after a rupture in the democratic order has already taken place.<sup>67</sup> In 2009, for example, polarization between governmental institutions in Honduras had been building for several months before then-president Manuel Zelaya was arrested by the military and forced into exile. The Honduran government did not request OAS assistance until shortly before the June 2009 ouster, however, and Zelaya was removed from office a day before an OAS special commission was due to arrive in the country to assess the situation and attempt to resolve the conflict through dialogue.<sup>68</sup> Consequently, member states were unable to take collective action in Honduras until the country was already in crisis. The unanimous decision to suspend Honduras from the OAS and subsequent diplomatic efforts were incapable of reversing the situation.<sup>69</sup>

The Democratic Charter's failure to define what constitutes "an unconstitutional interruption of the democratic order" has further limited its application. In several countries in the region, democratically elected leaders have engaged in actions that generally follow constitutional procedures but eliminate checks and balances considered by many analysts to be integral to representative democracy. Since the Democratic Charter is not clear about whether such actions are violations, member states have been unwilling to respond, deferring instead to the principle of nonintervention. In May 2016, for example, Secretary-General Almagro issued an extensive report on the situation in Venezuela that documented "serious disruptions of the democratic order," including the criminalization of political opposition and violations of the separation of powers, and called on the Permanent Council to undertake a collective assessment of the situation pursuant to Article 20 of the Democratic Charter.<sup>70</sup> Although the Permanent Council ultimately

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<sup>65</sup> Article 19 of the OAS Charter states, "No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic, and cultural elements."

<sup>66</sup> OAS, *Follow-up on the Application of the Inter-American Democratic Charter*, CJI/RES. 160 (LXXV-O/09), August 12, 2009, p. 23.

<sup>67</sup> See Chapter IV of the Democratic Charter, "Strengthening and Preservation of Democratic Institutions."

<sup>68</sup> OAS, "Engagement in Honduras, November 2008-July 2009," July 2009.

<sup>69</sup> Honduras was the first member state to be suspended under the Inter-American Democratic Charter. OAS member states did not lift the suspension until June 1, 2011, after an election had taken place and the Honduran government had dropped criminal charges against Zelaya and allowed him to return to the country. For more information on the political crisis in Honduras, see CRS Report R41064, *Honduran Political Crisis, June 2009-January 2010*, by Peter J. Meyer.

<sup>70</sup> Letter from Luis Almagro, Secretary-General of the OAS, to Mr. Juan Jose Arcuri, Ambassador, Permanent (continued...)

agreed to hold a meeting on June 23, 2016, the member states opted not to characterize the state of democracy in Venezuela or take any other additional actions. The Permanent Council had previously adopted a resolution on June 1, 2016, that expressed support for diplomatic initiatives to foster dialogue and consolidate representative democracy in Venezuela but made no reference to the Democratic Charter.<sup>71</sup>

The composition of the OAS has served as a third barrier to applying the Democratic Charter. The members of the Permanent Council, who are charged with assessing democratic crises under the charter, represent their nations' executive branches. Accordingly, they have interpreted the Democratic Charter's requirement that the OAS receive consent from "the government concerned" prior to intervention to mean consent from the nation's executive power. As a result, other branches of government and civil society groups are effectively unable to invoke the charter's collective action mechanisms. In December 2004, for example, then-president Lucio Gutierrez of Ecuador dissolved the Supreme Court of Justice. Although some within the country called for the Democratic Charter to be invoked, OAS member states took no action. It was only in April 2005, after the Ecuadoran Congress had removed Gutiérrez and the new President, Alfredo Palacio, requested OAS assistance, that member states sent a mission to the country.<sup>72</sup>

### *Policy Considerations*

Democracy promotion has been a central goal of U.S. policy toward Latin America and the Caribbean since the end of the Cold War. Congress has supported successive administrations' efforts, appropriating foreign assistance designed to strengthen democratic governance and institutions as well as civil society in order to hold governments accountable. In recent years, Members of Congress have lauded the significant advances that have occurred in most of the hemisphere while raising concerns about the declining quality of democracy in a few nations.<sup>73</sup>

The role of the OAS in promoting democracy is more contested. Some Members assert that "the OAS continues to fail to live up to its obligations to support the respect for human rights and uphold democratic principles."<sup>74</sup> They maintain that elections in countries such as Venezuela and Nicaragua have been illegitimate and that the OAS has failed to meet its obligations given its lack of action. Other Members of Congress have argued that, despite its flaws, the OAS is "the best thing we have to ensure democracy in the Western Hemisphere."<sup>75</sup> They maintain that the organization's electoral observation missions and human rights bodies continue to carry out crucial work that strengthens democracy in member states.

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Representative of the Argentine Republic to the OAS, Chairman of the Permanent Council, May 30, 2016, at <http://www.oas.org/documents/eng/press/OSG-243.en.pdf>.

<sup>71</sup> OAS, Declaration of the Permanent Council About the Situation in the Bolivarian Republic of Venezuela, CP/DEC. 63 (2076/16), June 1, 2016. For additional information on Venezuela, see CRS Report R43239, *Venezuela: Background and U.S. Relations*, by Mark P. Sullivan.

<sup>72</sup> OAS, *The Inter-American Democratic Charter*, CP/doc. 4184/07, April 4, 2007, p. 14.

<sup>73</sup> See, for example, U.S. Congress, House Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, *Challenges to Democracy in the Western Hemisphere*, Hearing, 113<sup>th</sup> Cong., 1<sup>st</sup> sess., September 10, 2013.

<sup>74</sup> See, for example, Office of Representative Ileana Ros-Lehtinen, "The OAS Fails to Live Up to Its Inter-American Democratic Charter and Reforms Are Desperately Needed to Protect American Taxpayers, Says Ros-Lehtinen," press release, July 24, 2013.

<sup>75</sup> See, for example, Representative Eliot Engel, remarks during U.S. Congress, House Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, *Markup on H.R. 3401 and H.R. 2542*, Hearing, 112<sup>th</sup> Cong., 1<sup>st</sup> sess., December 15, 2011, Serial No. 112-115 (Washington: GPO, 2011).

In recent months, several Members of Congress have praised Secretary-General Almagro's decision to invoke the Democratic Charter to deal with the situation in Venezuela. S.Res. 537, introduced by a bipartisan group of Senators in July 2016, would affirm the Senate's support for Secretary-General Almagro's efforts and urge the OAS Permanent Council to undertake a collective assessment of the democratic order in Venezuela. It would also urge the President of the United States to provide full support to OAS efforts to facilitate a democratic solution to the political impasse in Venezuela.

Although there is agreement among many Members of Congress that the OAS should apply the Democratic Charter more broadly, there appears to be little appetite in the region—even among U.S. allies—for such actions. Given the asymmetrical power relations and the long history of U.S. intervention in the hemisphere, many nations are wary of establishing precedents for foreign involvement in internal affairs.<sup>76</sup> Indeed, they have often used the OAS to engage in defensive multilateralism designed to constrain unilateral U.S. action.<sup>77</sup> Given this aversion to intervention, member states are unlikely to invoke the collective action mechanisms of the Democratic Charter in the near term except in cases of democratic breakdowns that resemble traditional coups d'état.

## Challenges to the Inter-American Human Rights System

### *Background*

Despite the inter-American human rights system's reputation as one of the most effective parts of the OAS, it has faced a number of challenges in recent years. In June 2011, the Permanent Council established the "Special Working Group to Reflect on the Workings of the Inter-American Commission on Human Rights with a View to Strengthening the Inter-American System for the Protection of Human Rights."<sup>78</sup> Although the special working group was ostensibly established to strengthen the inter-American human rights system, some civil society groups feared it would do the opposite.<sup>79</sup> The impetus for the working group's creation—Brazil's negative reaction to an IACHR precautionary measure request<sup>80</sup>—suggested that the review might be more focused on constraining the actions of the commission than supporting it. Some member states' presentations to the special working group reinforced this perception. They included calls to adopt more stringent criteria for granting precautionary measures, shift the focus of the IACHR's work away from individual cases toward general human rights promotion, remove the independent budget and staff of the Special Rapporteur for Freedom of Expression, and end the

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<sup>76</sup> OAS, *Follow-up on the Application of the Inter-American Democratic Charter*, CJI/RES. 160 (LXXV-O/09), August 12, 2009, p. 27.

<sup>77</sup> Thomas Legler, "Multilateralism and Regional Governance in the Americas," in *Latin American Multilateralism: New Directions* (Ottawa: FOCAL, 2010), p. 13.

<sup>78</sup> IACHR, *Position Document on the Process of Strengthening of the Inter-American System for the Protection of Human Rights*, April 8, 2012, at <http://www.oas.org/en/iachr/docs/pdf/PosicionFortalecimientoENG.pdf>.

<sup>79</sup> Diego Urdaneta, "OEA Aprueba Mejoras para la CIDH, pero ONG Denuncian Intento de Erosionarla," *Agence France Presse*, January 25, 2012.

<sup>80</sup> In April 2011, the IACHR issued a precautionary measure that ordered Brazil to halt construction on a hydroelectric dam in order to protect indigenous communities. Brazil denounced the measure as "unjustifiable," withdrew its Ambassador to the OAS, and withheld its assessed contribution. Ministério das Relações Exteriores, "Solicitação da Comissão Interamericana de Direitos Humanos (CIDH) da OEA," *Nota à Imprensa* N° 142, April 5, 2011; Amato, 2012, p. 5.

practice of identifying countries that have human rights situations that deserve special attention in the IACHR's annual report.<sup>81</sup>

The special working group issued a report in December 2011 that provoked a mixed reaction in the hemisphere. While civil society groups welcomed some aspects of the report, they asserted that other portions "could trigger a process of weakening the inter-American human rights system."<sup>82</sup> The report recognized that autonomy and independence are essential for the IACHR to carry out its mission, recommended that member states adopt the inter-American human rights treaties to assure the universality of the system, and called on the OAS to gradually increase the resources allocated to the human rights bodies. At the same time, the report included some member state suggestions that human rights defenders viewed as problematic. Despite these concerns, the 2012 General Assembly approved a resolution that welcomed the special working group's report, and instructed the Permanent Council to draw up proposals for its application to be presented to a special session of the General Assembly. The United States attached a footnote to the resolution that indicated it would not block consensus, but asserted that no efforts should be undertaken to force the implementation of the nonbinding recommendations.<sup>83</sup>

The IACHR effectively vetoed the reform recommendations that human rights groups had viewed as most problematic by adopting a series of relatively minor changes to its rules of procedure, policies, and practices.<sup>84</sup> Although countries such as Bolivia, Ecuador, and Venezuela tried to override the IACHR's decisions and push through more radical changes at a special session of the General Assembly in March 2013, the vast majority of OAS member states rejected the attempt. Subsequent efforts to push through extensive changes to the IACHR have also been rejected.<sup>85</sup>

More recently, the IACHR has struggled to secure the resources necessary to carry out its mission. After warning member states for several months that it was facing a severe financial shortfall, the IACHR issued a press release in May 2016 noting that the commission would be suspending a number of its activities and would lose 40% of its personnel on July 31, 2016, unless it received an influx of additional funding.<sup>86</sup> The IACHR receives roughly half of its annual funding from voluntary contributions, which fell from \$6.2 million in 2013 to \$2.9 million as of May 2016.<sup>87</sup> The decline reportedly was the result of European donors shifting their resources toward other priorities, such as the migration crisis; a reassessment of priorities by the new government of Canada; and a reduction in donations from other OAS member states. Although the IACHR received nearly \$700,000 in donations and commitments between May and

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<sup>81</sup> OAS, *Compilation of Presentations by Member States on the Topics of the Working Group*, GT/SIDH-17/11 rev.1, November 7, 2011.

<sup>82</sup> Instituto de Defensa Legal; Centro de Estudios Legales y Sociales; Due Process of Law Foundation; Centro de Estudios de Derecho, Justicia y Sociedad; Conectas Direitos Humanos; Fundación Construir, *Position of Civil Society Organizations of the Americas on the Final Report of the Special Working Group to Reflect on the Workings of the Inter-American Commission on Human Rights with a view to Strengthening the Inter-American Human Rights System*, January 21, 2012.

<sup>83</sup> OAS, *Follow-Up on the Recommendations Contained in the "Report of the Special Working Group to Reflect on the Workings of the Inter-American Commission on Human Rights with a View to Strengthening the Human Rights System"*, AG/RES. 2761 (XLII-O/12), June 5, 2012.

<sup>84</sup> IACHR, *Reform of the Rules of Procedure, Policies, and Practices*, Resolution 1/2013, March 19, 2013.

<sup>85</sup> "Insulza Ringfences the OAS, for Now," *Latin News Daily Report*, June 6, 2014.

<sup>86</sup> IACHR, "Severe Financial Crisis of the IACHR Leads to Suspension of Hearings and Imminent Layoff of Nearly Half Its Staff," press release, May 23, 2016.

<sup>87</sup> IACHR, "2011-2016 Budget," May 23, 2016, at [http://www.oas.org/en/iachr/media\\_center/crisis-budget.asp](http://www.oas.org/en/iachr/media_center/crisis-budget.asp).

July 2016, allowing it to temporarily extend its personnel contracts, it has continued to call on member states to ensure the commission's medium- and long-term financial sustainability.<sup>88</sup>

### ***Policy Considerations***

Members of Congress frequently have expressed support for the inter-American human rights system. In S.Rept. 114-79, for example, the Senate Appropriations Committee noted “the important role of the IACHR and the Inter-American Court of Human Rights in providing access to justice for victims of human rights violations.” Congress also appropriated a \$2 million voluntary contribution to the IACHR in FY2016 through the Consolidated Appropriations Act, 2016 (P.L. 114-113). The report (S.Rept. 114-290 ) accompanying the Senate Appropriations Committee's FY2017 foreign operations appropriations bill (S. 3117 ) recognizes the current budgetary challenges facing the IACHR and recommends a \$7 million voluntary contribution for the commission.

Despite these demonstrations of support for the IACHR, some analysts argue that the United States lacks credibility in defending the human rights body given its unwillingness to ratify the hemisphere's human rights treaties.<sup>89</sup> The United States has signed only one such treaty—the American Convention on Human Rights. Although the Carter Administration submitted the treaty to the Senate for its advice and consent in 1978 (Treaty Doc. 95-21),<sup>90</sup> the Senate has never approved ratification. Moreover, while the United States is currently subject to the jurisdiction of the IACHR under the American Declaration of the Rights and Duties of Man (adopted in 1948 alongside the OAS Charter), the U.S. government argues that the declaration does not create legally binding obligations.<sup>91</sup> The reluctance of the United States and several other nations to ratify the American Convention has created a multi-tiered human rights system in the hemisphere that the IACHR and many OAS member states view as problematic.<sup>92</sup>

Given these criticisms, some analysts argue that the United States could better assert leadership on human rights issues in the hemisphere by ratifying the various inter-American human rights treaties. A resolution introduced in May 2015 (H.Res. 285, Lewis) would express the sense of the House of Representatives that “the United States should fully support the Inter-American human rights system” and ratify hemispheric conventions. While subjecting the United States to the same legally binding obligations that the majority of the nations of the hemisphere already accept would likely increase U.S. credibility on the issue, some policymakers have raised concerns about potential conflicts with U.S. law and international interference in U.S. domestic affairs.<sup>93</sup>

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<sup>88</sup> IACHR, “IACHR Thanks Donors and Urges Redoubled Efforts to Overcome Financial Crisis,” press release, July 28, 2016.

<sup>89</sup> See, for example, “Human Rights in the Americas: Chipping at the Foundations,” *Economist*, June 9, 2012; “Global Insider: Inter-American Commission Reforms Seek to Change a Mixed System,” *World Politics Review*, March 11, 2013; and Mari Hayman, “ALBA-Backed Proposals for IACHR Reform Could Undermine the System,” *World Politics Review*, March 27, 2013.

<sup>90</sup> The text of the treaty, as received in the Senate, is available at <http://www.foreign.senate.gov/download/?id=C0C737E4-51E1-407B-8449-761FF02BE220>.

<sup>91</sup> IACHR, *Universalization of the Inter-American System of Human Rights*, August 14, 2014, p. 30.

<sup>92</sup> *Ibid.* Currently, 20 nations accept the jurisdiction of the Inter-American Court and the full jurisdiction of the IACHR under the American Convention, three other nations do not accept the jurisdiction of the court but have ratified the American Convention, and 12 nations—including the United States—have not ratified (or have withdrawn from) the American Convention and are only subject to the jurisdiction of the IACHR under the American Declaration.

<sup>93</sup> For a variety of views, concerns, and recommendations regarding the American Convention on Human Rights, see U.S. Congress, Senate Committee on Foreign Relations, *International Human Rights Treaties*, Hearings, 96<sup>th</sup> Cong., 1<sup>st</sup> (continued...)

Alternatively, some observers contend that the U.S. government could demonstrate greater support for the inter-American human rights system by doing more to act on the IACHR's criticisms of various U.S. policies and its recommendations for improving human rights in the United States. The IACHR has issued recommendations to the United States in 22 cases over the past 11 years; as of 2015, the United States was in full compliance in 1 case, partial compliance in 10 cases, and noncompliance in 11 cases.<sup>94</sup> If the U.S. government opts not to improve its compliance with IACHR recommendations, it will likely continue to face criticism from some in the hemisphere that it uses the IACHR to promote its interests without assuming any obligations.<sup>95</sup>

## Management and Budget Concerns

### *Background*

The OAS has faced persistent budget problems for a number of years. Member states' contributions to the Regular Fund have remained relatively stagnant for much of the past two decades as a result of their reluctance to adjust country quotas. At the same time, member states have required the OAS to provide annual cost of living increases to its employees and have given the organization an increasing number of mandates. A recent review found that the OAS has more than 850 mandates addressing nearly every issue facing the nations of the hemisphere.<sup>96</sup> This combination of frozen funding levels and increasing costs and responsibilities created a structural deficit at the OAS.

After taking office in 2005, Secretary-General José Miguel Insulza (2005-2015) repeatedly warned that the organization would be forced to make serious cuts if member states remained unwilling to increase their assessed contributions. While member states approved a few minor quota adjustments, annual expenditures continued to exceed revenues and the OAS had to use resources from its reserve fund and member state payments of back dues to bridge the gap. These financial reserves were exhausted by 2010. To find savings, the OAS delayed maintenance on OAS properties, postponed information technology upgrades, and reduced its staff by 20% between 2005 and 2016.<sup>97</sup>

Despite those efforts, the organization's financial situation remains precarious. The OAS ended 2015 with a deficit of \$18 million, which it had to offset with temporary loans from the OAS Treasury Fund. The OAS also faces deferred maintenance costs, which are estimated to total \$37 million.<sup>98</sup> Although member states have called for additional budget cuts, the organization's Board of External Auditors maintains that "after years of achieving efficiencies, there are no

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sess., November 14, 15, 16, and 19, 1979 (Washington: GPO, 1980).

<sup>94</sup> IACHR, March 2016, pp. 120-121.

<sup>95</sup> "Global Insider: Inter-American Commission Reforms Seek to Change a Mixed System," *World Politics Review*, March 11, 2013.

<sup>96</sup> OAS, *Proposed Program-Budget of the Organization of American States, 2017, First Year of the 2017-2018 Biennium*, August 11, 2016, p.9. (Hereinafter: OAS, August 2016).

<sup>97</sup> OAS, *Presentation to the CAPP: Gap Between Income & Expenditures*, January 17, 2013; OAS, August 2016, Annex VII.

<sup>98</sup> OAS Board of External Auditors, 2016.

additional savings to be realized” from administrative reductions. The board further asserts that “in order for the OAS to manage its cash flow crisis, programmatic reductions are required.”<sup>99</sup>

According to OAS officials and many outside analysts, the organization’s recurring budgetary problems are “a demoralizing institutional weakness” that constrains the organization’s ability to plan ahead, recruit and retain top level staff, and establish priorities.<sup>100</sup> The unwillingness of member states to increase contributions to the Regular Fund has made the OAS more reliant on voluntary funds, which are less predictable from year to year. OAS officials maintain that this change has made it more difficult for the organization to make medium- and long-term plans. They also maintain that this uncertainty makes it difficult to recruit staff and keep more qualified personnel, which in turn has weakened the organization’s institutional identity.<sup>101</sup>

### *Policy Considerations*

Congress has expressed concerns about the management and budget of the OAS and has adopted legislation designed to strengthen the organization. In October 2013, President Obama signed into law the OAS Revitalization and Reform Act of 2013 (P.L. 113-41), which had been passed by both houses of Congress in September 2013. Among other provisions, the measure called on the OAS to implement a results-based budgeting process to prioritize its core functions and reduce its mandates, implement transparent and merit-based human resource processes, and alter its fee structure so that within five years no member state pays more than 50% of the organization’s assessed dues. The legislation directed the Secretary of State to develop a strategy for ensuring that the OAS adopts these reforms and to provide quarterly briefings to Congress on their implementation.

Many of the suggested reforms included in the act echoed previous proposals by Secretary-General Insulza,<sup>102</sup> and several of them are in the process of being implemented. The OAS has adopted a results-based budgeting process and has identified 82 priority mandates among the 856 mandates in effect as of June 2014. The General Secretariat is now in the process of aligning its activities, the member states’ priority mandates, and the organization’s core functions.<sup>103</sup>

Despite these initiatives, Congress may continue to monitor the implementation of the organization’s financial and management reforms and the State Department’s efforts to advance the other priorities outlined in P.L. 113-41. The report (S.Rept. 114-290) accompanying the Senate Appropriations Committee’s FY2017 foreign operations appropriations bill (S. 3117) urges the Secretary-General to develop a five-year financial plan that emphasizes “the comparative advantages of the OAS in supporting democracy, monitoring electoral processes, and protecting human rights.”

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<sup>99</sup> Ibid, p.7.

<sup>100</sup> Inter-American Dialogue, 2006, p. 8.

<sup>101</sup> OAS, *Proposal for Financing the 2012 Program-Budget of the Organization of American States*, CP/INF. 6248/11, May 13, 2011.

<sup>102</sup> In his December 2011 presentation, “A Strategic Vision of the OAS,” Insulza called for the organization to allocate Regular Fund resources exclusively to core functions, adopt a human resources policy that institutionalizes a merit-based career service, and introduce a rule to ensure that no member state pays more than 49% of the organization’s assessed dues. OAS, *Note of the Secretary General to the Chair of the Permanent Council Presenting “A Strategic Vision of the OAS,”* CP/doc.4673/11, December 19, 2011.

<sup>103</sup> OAS, August 2016, p.12.

## Reintegration of Cuba into the Inter-American System<sup>104</sup>

### *Background*

Cuba was one of the founding members of the OAS and, as a signatory to the OAS Charter, remains a member. It has not participated in the organization since 1962, however, as a result of a decision at the Eighth Meeting of Consultation of the Ministers of Foreign Affairs to suspend Cuba for its adherence to Marxism-Leninism and alignment with the communist bloc.<sup>105</sup> The resolution to exclude Cuba was controversial when it was adopted, and the reintegration of Cuba into the inter-American system has remained a frequent source of contention among the countries of the hemisphere ever since.

Over the past decade, Latin American and Caribbean member states of the OAS repeatedly have pushed to include Cuba in hemispheric forums. At the June 2009 OAS General Assembly, member states adopted a measure to repeal the 1962 resolution that suspended Cuba from participation in the OAS. The measure states that Cuba's eventual participation in the OAS "will be the result of a process of dialogue initiated at the request of the Government of Cuba, and in accordance with the practices, purposes, and principles of the OAS,"<sup>106</sup> which include representative democracy and respect for human rights. Although the Cuban government declared the repeal a "major victory," it also stated that it had no interest in actively participating in the OAS.<sup>107</sup>

In April 2015, Cuban President Raúl Castro attended the Seventh Summit of the Americas in Panama. Although the Summits of the Americas are not officially part of the OAS, the OAS serves as the technical secretariat for the summit process, and previous summits only included the participating members of the OAS.<sup>108</sup> Panama invited Cuba to attend the summit after every country in the hemisphere—with the exceptions of Canada and the United States—voiced support for Cuba's inclusion during the Sixth Summit of the Americas in 2012.<sup>109</sup> Although the invitation to Cuba initially presented a policy dilemma for the White House, President Obama announced a major shift in U.S. policy toward Cuba in December 2014, moving away from a sanctions-based policy toward one of engagement and a normalization of relations. Ultimately, President Obama and President Castro both attended the summit, holding a historic bilateral meeting on the sidelines of the event.<sup>110</sup>

During his inaugural speech, Secretary-General Almagro asserted that the Seventh Summit of the Americas "was a turning point in our hemisphere." He went on to say he would "work to enable Cuba to become fully integrated into the OAS, obviously taking into account the need to make allowance for time frames and processes that are not under our control."<sup>111</sup> The Cuban

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<sup>104</sup> For more information on Cuba, its exclusion from the OAS, and U.S. policy toward the country, see CRS Report R43926, *Cuba: Issues for the 114th Congress*, by Mark P. Sullivan.

<sup>105</sup> OAS, *Eighth Meeting of Consultation of Ministers of Foreign Affairs*, Ser. C/II.8, January 22-31, 1962.

<sup>106</sup> OAS, *Resolution on Cuba*, AG/RES. 2438 (XXXIX-O/09), June 3, 2009.

<sup>107</sup> "Cuba Says No to OAS Membership," *Voice of America*, June 4, 2009.

<sup>108</sup> For more information on the Seventh Summit of the Americas, see CRS Report R43952, *Seventh Summit of the Americas: In Brief*, by Peter J. Meyer.

<sup>109</sup> Frank Bajak and Vivian Sequera, "US, Canada Alone at Summit in Cuba Stance," Associated Press, April 15, 2012.

<sup>110</sup> For more information on the shift in policy toward Cuba, see CRS Report R43926, *Cuba: Issues for the 114th Congress*, by Mark P. Sullivan.

<sup>111</sup> OAS, "Secretary General's Speech at His Inauguration," May 26, 2015.

government has reiterated that it has no interest in participating in the organization, however, with Raúl Castro stating in June 2016 that Cuba “will never rejoin the OAS.”<sup>112</sup>

### *Policy Considerations*

Over the years, Members of Congress generally have agreed on the overall goals of U.S. policy toward Cuba—to help bring democracy and respect for human rights to the island—but have disagreed about how best to achieve those objectives. Some have argued that isolating Cuba is the best way to produce change. They oppose President Obama’s policy shift, arguing that the U.S. government should maintain the sanctions-based policy that has been in place since the early 1960s. Others support President Obama’s efforts to normalize relations, arguing that the United States is more likely to encourage reforms in Cuba by increasing engagement

Congressional debate surrounding the reintegration of Cuba into the inter-American system has reflected the disagreements over broader U.S. policy toward the island. Members of Congress who have opposed engagement with Cuba have also opposed efforts to reintegrate the country into the inter-American system. In previous years, some Members introduced bills that would have withheld U.S. contributions to the OAS if Cuba were allowed to participate in the organization or the Summits of the Americas prior to transitioning to democracy. Conversely, Members who support greater U.S. engagement with Cuba generally have celebrated the country’s inclusion in hemispheric forums.

Congressional actions related to the normalization of relations with Cuba and the country’s reintegration into the inter-American system could have broader implications for U.S. interests in the hemisphere. Latin American governments across the ideological spectrum have opposed the U.S. government’s sanctions-based policy toward Cuba and have lauded the rapprochement between the U.S. and Cuban governments. Many analysts maintain that “by re-establishing diplomatic relations with Cuba, the United States has removed a contentious issue that has been a thorn in U.S.-Latin American relations and has diverted attention from more productive areas of collaboration in the hemisphere.”<sup>113</sup> Likewise, some argue that the policy shift and the reintegration of Cuba into the inter-American system could create political space for allies in the region to place more pressure on Cuba regarding human rights and democracy.<sup>114</sup> For example, several Cuban dissidents were able to attend and participate in the Civil Society and Social Actors Forum that took place alongside the Seventh Summit of the Americas. Others argue that Cuba’s inclusion in hemispheric forums such as the Summit of the Americas weakens the legitimacy of those institutions and “sends the wrong message about the consolidation of democracy in the Americas.”<sup>115</sup>

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<sup>112</sup> “‘Cuba Jamás Regresará a OEA’, Instrumento de Dominación Imperialista, Afirma Raúl Castro,” MercoPress, June 6, 2016.

<sup>113</sup> Harold Trinkunas, “New U.S.-Cuba Policy Will Revitalize Hemispheric Relations,” Brookings Institution, December 18, 2014. Also see Simon Romero and William Neuman, “Cuba Thaw Lets Rest of Latin America Warm to Washington,” *New York Times*, December 18, 2014; and Richard E. Feinberg, “For Latin America, U.S. Shift on Cuba Heals Old Wounds,” *Fusion*, December 24, 2014.

<sup>114</sup> William M. LeoGrande, “U.S. Recruits Europe and Latin America to Press Cuba to Open Up,” *World Politics Review*, February 23, 2015.

<sup>115</sup> See, for example, Ramsey Cox, “Menendez: Cuba Attendance Undermines Summit of Americas,” *The Hill*, October 2, 2014.

## Regional Alternatives to the OAS

### *Background*

Over the years, countries in the Western Hemisphere have formed a number of regional organizations designed to promote economic integration and political cooperation. These include blocs originally created to advance trade relations such as the Caribbean Community (CARICOM), the Common Market of the South (Mercosur by its Spanish acronym), and the Pacific Alliance, as well as organizations with more political orientations such as the leftist Bolivarian Alliance (ALBA by its Spanish acronym), the Union of South American Nations (UNASUR by its Spanish acronym), and the Community of Latin American and Caribbean States (CELAC by its Spanish acronym). While these groups vary in size, purpose, and effectiveness, none of them include the United States or Canada.

As countries of the hemisphere have become more independent and regional organizations have proliferated, a number of governments have suggested that the newer organizations should take on some of the roles that traditionally have been played by the OAS. Some leaders in the region assert that the OAS is dominated by the United States, and is little more than a tool for U.S. foreign policy. Consequently, they argue that the nations of the hemisphere would be better served by replacing the OAS with CELAC, which includes all of Latin America and the Caribbean but excludes the United States and Canada.<sup>116</sup> Others in the region are opposed to replacing the OAS, but have suggested that the smaller regional blocs may be able to complement the organization's work. Moreover, they argue that these organizations may be more effective than the OAS in certain cases, such as mediating disputes within their sub-regions.<sup>117</sup> UNASUR, for example, helped resolve internal political conflicts in Bolivia in 2008 and Ecuador in 2010.<sup>118</sup>

While many analysts acknowledge that the newer regional organizations can play important roles in the hemisphere, they also note that these groups have their own flaws. There is considerable variation among the regional organizations; however, most lack strong, independent, and well-financed secretariats capable of receiving mandates and carrying out programs.<sup>119</sup> Instead, they often rely on high-level diplomacy and presidential summits, which can be useful for promoting political dialogue, but rarely result in significant, ongoing initiatives. Given these limitations, a number of analysts maintain that the OAS remains the preeminent political institution of the hemisphere. An Inter-American Dialogue task force on the OAS, for example, asserted that “no other organization has the necessary credibility and mandate to bring together the collective influence of the hemisphere's countries to resolve disputes among member states, encourage compromise among governments on salient regional issues, credibly monitor national

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<sup>116</sup> “The Caracas Consensus,” *Latin News Daily Report*, December 2, 2011; Maye Primera, “Chávez Fracasa en el Intento de que Latinoamérica Prescinda de la OEA,” *El País* (Argentina), December 3, 2011.

<sup>117</sup> “La OEA y la CELAC Son Complementarias, Afirma Canciller de Costa Rica,” Agence France Presse, January 21, 2014; “Mercosur y UNASUR Pueden Ser ‘Más Efectivos’ que la OEA (Amorim),” Agence France Presse, September 11, 2010.

<sup>118</sup> “Latin America Goes It Alone as Bolivian Conflict Explodes,” *Latin American Weekly Report*, September 18, 2008; “Resolution of Ecuadorean Crisis is a Victory for UNASUR,” *Latin American Regional Report: Brazil & Southern Cone*, October 2010.

<sup>119</sup> Thomas Legler and Lesley Burns, “Introduction,” in *Latin American Multilateralism: New Directions* (Ottawa: FOCAL, 2010), p. 6.

government performance on sensitive concerns, and press countries to change when they violate hemispheric norms.”<sup>120</sup>

### ***Policy Considerations***

The rise of regional alternatives to the OAS presents both potential opportunities and challenges for the United States. One potential benefit of such organizations might be an increase in burden-sharing in the hemisphere. As the newer organizations evolve, they may be able to take on more responsibility for maintaining peace and stability in their sub-regions, which could enable Congress to dedicate scarce U.S. resources to other priorities. A division of labor among various organizations might also enable the OAS to better concentrate its efforts on its core agenda and thereby carry out its mandates more effectively.

At the same time, an increasing role for other multilateral organizations could lead to a weaker OAS. If other organizations take on larger roles in the hemisphere, the role of the OAS would likely diminish. Some Members of Congress argue that such a development could weaken U.S. influence in the region since the OAS is one of the few multilateral organizations in the hemisphere in which the United States is a member and shapes policy decisions.<sup>121</sup> Moreover, the proliferation of regional organizations could encourage so-called forum shopping. In recent years, for example, some countries have sought to have their elections monitored by UNASUR or CELAC instead of the OAS, which carries out more thorough observation missions. This has offered legitimacy to elections that may not have met the more rigorous OAS standards.<sup>122</sup>

The impetus behind the creation of some of the new regional organizations also has implications for the United States. Latin American leaders have established new multilateral institutions for a number of reasons, one of which is the lingering view of many in the region that the OAS is an institution dominated by the United States. Even as some Members of Congress assert that the organization acts against U.S. interests, a number of policymakers in the broader region argue that the OAS imposes U.S. policies. Given these views, some analysts maintain that “any reform to the OAS that begins in Washington, especially in the U.S. Congress, can have the potential to backfire” and provoke opposition in the hemisphere.<sup>123</sup>

## **Outlook**

In 1948, Alberto Lleras Camargo, the first Secretary-General of the OAS, asserted “the organization ... is what the member governments want it to be and nothing else.”<sup>124</sup> This has held true throughout the organization’s history with the OAS engaging in activities and adopting new areas of focus in accordance with the decisions of member states. As an organization composed of 35 diverse nations that operates based on consensus, however, the OAS is often slow to arrive at

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<sup>120</sup> Inter-American Dialogue, 2006, p. 6.

<sup>121</sup> See, for example, Representative Gregory W. Meeks, “Organization of American States Revitalization and Reform Act of 2013,” Remarks in the House, *Congressional Record*, vol. 159, part 122 (September 17, 2013), pp. H5567-H5569.

<sup>122</sup> Christopher Sabatini, “Meaningless Multilateralism: In International Diplomacy, South America Chooses Quantity Over Quality,” *Foreign Affairs*, August 8, 2014.

<sup>123</sup> Mauricio Cárdenas, remarks during *Latin America’s New Political Landscape and the Future of the Organization of American States*, Brookings Institution, Washington, DC, March 15, 2010.

<sup>124</sup> *U.S.-Latin American Policymaking: A Reference Handbook*, ed. David W. Dent (Westport, CT: Greenwood Press, 1995), p. 27.

decisions and prone to inaction. This is especially the case when the hemisphere is ideologically polarized or addressing contentious topics. Nevertheless, even when member states are incapable of establishing consensus on a given issue, the OAS continues to carry out a variety of activities to advance the organization's broad objectives: democracy promotion, human rights protection, economic and social development, and regional security cooperation.

As the organization's largest financial contributor and the hemisphere's most powerful nation, the United States remains influential within the OAS. The organization's objectives in the region are largely consistent with those of the United States, and many of its activities complement U.S. efforts. At the same time, OAS actions (or the lack thereof) do not always align with the organization's stated objectives, and the U.S. government's ability to advance its policy initiatives in the organization has declined over the past 15 years. These conflicting tendencies are likely to continue in the coming years, spurring on the congressional debate over the utility of the OAS for advancing U.S. interests in the Western Hemisphere.

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