



Venezuela Withdraws from the Organization of American States after Being Cited for Violation of the Inter-American Democratic Charter

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On April 26, 2017, as large street protests entered their fourth week and tallied 29 deaths, Venezuela indicated its intention to withdraw from the hemispheric body, the Organization of the American States – called “OAS” for short. As the first country in the body’s 70-year history to withdraw voluntarily, Venezuela is responding to the Organization’s April 3 declaration that Venezuela has altered its constitutional system in violation of the hemisphere’s Inter-American Democratic Charter. A meeting of hemispheric foreign ministers was also announced for May 31, which is the next step for the body to consider moving from simply urging national dialogue to the possibility of its ultimate sanction -- suspending Venezuela’s membership. Venezuela is thus choosing to withdraw preemptively rather than risk a humiliating suspension.

This dispute has generated much debate, but also some confusion, over what exactly the hemisphere should and can do to protect democracy in Venezuela.

The Inter-American Democratic Charter

Signed in Lima, Peru on September 11, 2001 – the same day the World Trade Towers were attacked in New York – the Democratic Charter was the product of abuses by the Albert Fujimori government in Peru, starting with the dissolution in Congress in 1992 and ending with his unconstitutional run for a third term in 2000. Peruvians proposed the Democratic Charter to limit not only military coups, but also threats to democratic governance by elected leaders. As a trigger for hemispheric reaction, the new Charter added the concept of “alteration of the constitutional regime impairing the democratic order” to the previously accepted concept of “interruption of the democratic order.”

The Democratic Charter spells out essential elements of representative democracy, including the separation of powers and independence of branches, human rights, elections, rule of law and transparency. If one of those elements is violated, the Charter lays out a roadmap for the hemisphere to help a country restore the democratic order.

The Democratic Charter was first used in reaction to the short-lived coup against Hugo Chávez in 2002, when the OAS foreign ministers condemned the alteration of the constitutional regime and sent the Secretary General on a fact-finding mission to help restore democracy. Article 17 says that a country at risk can itself request assistance, as the Nicaraguan president did in 2005 when the Congress was attempting to impeach him in a political contest. Article 20 says that any member state or the Secretary General can call a meeting of the Permanent Council ambassadors if they see a potential threat in a member country to the essential elements mentioned above.

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The Permanent Council then assesses the situation and decides by majority vote if an alteration has taken place and what action to take – such as diplomatic efforts to facilitate dialogue or mediation or, if the situation remains unresolved, a special meeting of the General Assembly of foreign ministers. The General Assembly can decide to continue diplomatic initiatives, but it can also suspend a country from membership with a two-thirds vote.

Suspension from the OAS gives a clear signal that neighboring countries consider a country to have violated its citizens' human rights to representative democracy. It does not itself carry automatic financial sanctions, but it may give pause to foreign investors worried about respect for contractual obligations in a country affected by a constitutional crisis. When Honduras was suspended following its coup d'état in 2009, both the Inter-American Development Bank and the World Bank "paused" their international loans to Honduras. Venezuela could be vulnerable financially. Beyond its large loans from China and Russia, the country also depends on Andean Development Corporation loans that have already been put under review.

Venezuela and the OAS

In May 2016, Secretary General Luis Almagro called for an urgent meeting of the OAS Permanent Council under Article 20 and provided a 132 page report documenting an "alteration of the constitutional regime" in Venezuela. The OAS failed to reach consensus at that time, but in mid-March 2017 Almagro initiated a renewed hemispheric debate when he presented an updated report detailing further deterioration of Venezuela's democracy. The report cited the irregular suspension of the opposition's effort to enact a recall referendum against President Nicolas Maduro in October 2016, and the cancellation of the gubernatorial elections scheduled for December 2016. The Permanent Council kicked into action but refrained from using the Democratic Charter's language of the "alteration of the constitutional order" until the Venezuelan Supreme Court breached its own constitution and revoked the opposition-controlled legislature's authority on March 29. Even a partial backtracking by the Court did not mollify the Permanent Council.

In Venezuela itself, street protests mounted in April following the Supreme Court ruling and governmental steps to keep the principal opposition leader, Governor Henrique Capriles, from running for office for fifteen years. They have continued daily since.

What Happens Next?

Venezuela's withdrawal from the OAS does not go into effect until two years after it submits a letter of withdrawal. Until then, the country remains legally obliged by its previous commitment to the OAS Charter and Inter-American Democratic Charter and it still owes \$10.5 million in dues. Beyond these legal matters, the OAS's decisions on May 31 are a test of its own ability to defend hemispheric democratic rights and help its member states resolve deep crises – like the crises in public health, hyper-inflation and constitutional conflicts facing Venezuelans.

Read more in Jennifer L. McCoy, "Challenges for the Collective Defense of Democracy on the Tenth Anniversary of the Inter-American Democratic Charter," *Latin American Policy* 3, no. 1 (2012): 33-57.