

Permanent Mission of Canada
to the Organization of American States



Mission permanente du Canada
auprès de l'Organisation des États américains

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July 10, 2001

H.E. Hernan R. Castro
Chair of the Permanent Council
Organization of American States
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Excellency,

I have the honour to enclose a short paper from my delegation entitled "Inter-American Democratic Charter: Preliminary Comments of Canada", the intention of which is to contribute to the discussion of the subject at the Permanent Council meeting on July 11th.

I would request that this paper be designated a document of the Permanent Council and appropriately circulated in the four languages of the Organization of American States.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Boehm".

Peter M. Boehm
Ambassador, Permanent
Representative

Attachment

Inter-American Democratic Charter Preliminary Comments of Canada

1. General Overview

Canada would like to congratulate the Organization of American States (OAS) and the Government of Peru in particular, for the development of the Inter-American Democratic Charter, which is intended to complement the "Democracy Clause" contained in the Declaration from the Quebec City Summit of the Americas. We welcome this initiative as an important and necessary advance in the promotion, consolidation and defence of representative democracy in the hemisphere.

Supporting democracy has been a fundamental mission of the OAS since its creation. In recent years, member states have sought actively to deepen this collective commitment to democracy and to develop new and more effective instruments for its promotion and defence. In Resolution 1080 and the Washington Protocol, the OAS has effective flexible mechanisms to safeguard against direct threats to representative democracy in the region. These mechanisms, however, do not address more invidious challenges to the development of democracy in member states, focussing instead on the presentation of a coordinated response to a sudden or irregular interruption of the democratic order in a member state. The adoption of Resolution 1753 at the Windsor General Assembly in June, 2000 was an important step forward in responding to a threat to democracy in a member state that could not be addressed through these existing mechanisms. The positive outcome of the High Level Mission to Peru demonstrated the ability of the OAS, and the will of its member states, to act collectively in defence of representative democracy in a member state.

With the decision to develop the Inter-American Democratic Charter, member states have recognized that threats to democracy today take new and varied forms and have agreed to "enhance (their) ability to respond to these threats" by reinforcing "OAS instruments for the active defence of representative democracy". The draft Charter, primarily through Article 11, seeks to build on the success of Resolution 1753 in recognizing the need to address more subtle threats to democracy, providing member states with a mechanism that will allow us to work together more effectively to strengthen democracy in the hemisphere. Canada supports this direction and more active engagement and greater cooperation to defend democracy on the basis of agreed principles and procedures.

2. Initial Proposals

While Canada believes that the current draft Democratic Charter is already an impressive document and sets out a useful framework for the promotion and strengthening of democracy in the hemisphere, we believe that it can be clarified and strengthened through revisions to the draft text. In particular, this paper will focus on Articles 1 and 3, where we feel there could be some improvement in the current proposal. Canada, of course, reserves the right to comment on other aspects of the draft Charter during formal negotiations that will occur next month.

Article 1: As currently drafted, Article 1 states that "The peoples of the Americas have a right to democracy." While Canada recognizes the need to begin the Charter with a bold statement underscoring the fundamental importance of democracy in the hemisphere, we believe that the current text should be redrafted to present a clearer and stronger vision of our hemispheric commitment to democracy.

As an alternative, Canada would suggest the following language, or a variation thereof: "Democracy is essential for the social, political and economic development of the peoples of the Americas."

Democracy has not been defined as a right in international law because it is a term which resists restrictive definition. Instead, numerous international and hemispheric instruments together detail the number of diverse civil, political, economic, social and cultural rights that must be respected under democratic regimes. It is important to ensure that we capture the breadth of the international experience of democracy without restricting it.

Article 3: In light of our discussion above of Article 1, Canada continues to have some concerns with Article 3, which attempts to define the constituent elements of representative democracy. As indicated above, there is a rich and extensive set of international and hemispheric instruments that together contribute to a working and non-prescriptive definition of democracy. It is our view that defining democracy through a limited number of examples, as is done in Article 3, risks undermining or excluding inadvertently principles that contribute to the comprehensiveness or utility of the current instruments.

Canada accepts that the Democratic Charter could contain an Article that sets out certain of the core elements of representative democracy and agrees that the elements contained in Article 3 capture some of these elements. We believe, however, that it should be made clear that the list in Article 3 constitutes an exemplary rather than an exhaustive inventory of the fundamental elements of representative democracy.

3. Consultative Process

Regarding the consultative process in the coming month and a half, Canada strongly supports the creation of a website address containing the OAS forum for research and discussion on the Charter in all four languages. It is essential that civil society be provided with a full opportunity to comment on the document. Making documents pertinent to the Charter available in a digital library, classifying comments submitted electronically into categories through keyword identification and informing member states of the results are significant measures that will help to ensure the meaningful involvement of civil society in the development of the Charter. Canada will seek the views of domestic civil society groups on the draft Charter during consultations to be held in late July.

Canada believes that the Inter-American Democratic Charter should not be considered a definitive blue-print for the development of democracy in the Americas. It constitutes an important mechanism through which states will be encouraged to safeguard and develop

democracy in their countries. It also represents a response to a specific mandate and is a further step, albeit a very important one, in an ongoing, collective process. As with any OAS instrument, member states must accept the primary responsibility for making its commitments meaningful and must be prepared to act together to implement their undertakings. This will require political will and resources to ensure that the Organization can do its part and fully discharge the responsibilities assigned to it.