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The Regional  
Underpinnings of  
Democracy

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## The Regional Underpinnings of Democracy

Globalization and worldwide processes of democratization have contributed to the increased significance of regional organizations. Besides trans-national issues like protection of the environment and poverty, globalization has led to the emergence of a global economic system that stretches beyond the borders of control of every single state. This has made regional stability an issue of the utmost importance. Conflicts and crises, indifferent of their nature, do, after all, not only have negative consequences for the country or countries involved, but also affect life and economy in neighbouring countries and beyond. To come to this needed region-wide stability, states' governments are forced to work together in order to tackle the different trans-national problems.

At the same time, the conception that socio-economic development and democracy go hand in hand is gaining ground. Because poverty and a lack of development often result in intra- as well as interstate conflicts, actions aimed at preserving or strengthening the different democratic systems in the region are conceived more and more as a major factor in stabilizing countries and regions.

### RIGOs

One type of institutions that link regional cooperation and the quest for democracy are the **Regional Intergovernmental Organizations** (RIGOs). The RIGOs that are discussed in this article are the European Union, the Organization of American States, The African Union, NEPAD, the Rio Group and ASEAN. These organizations have a number of common characteristics. The members of the organizations are different countries that belong to the same geographical region. Second, they are represented in the RIGO by their Heads of State and governments. Last, of course, when talking about democracy, the character of cooperation should exceed that of a merely economic one.

The relevant question here is what role these RIGOs play in promoting democracy? While the effects on democratization of organizations such as the World Bank and the IMF are the focus of much research, RIGOs are up until now somewhat left out. This article focuses on and gives an overview of the main regional legal instruments in which **normative agreements** concerning democracy are established.

These agreements serve the goal of development of democracy by reaching regional consensus about the 'rules of the game' called democracy. Both citizens and national governments can benefit from these regional commitments to democracy made by the leaders of a country. Obviously, citizens can benefit when their leaders subscribe themselves to international agreements concerning, for instance, the protection of civil and political rights. Besides that, especially for regimes in transition countries themselves, the demonstrated commitment to democratic principles and the (political and economical) costs involved with joining a regional

organization can result in an increased credibility and therefore increased legitimacy of the new leaders, both at the domestic as well as at the international level. This will give newly elected leaders the space to develop structural new policies and will besides that, attract international investors and, if necessary, donors.

There are two important difficulties in recapitulating and comparing the different agreements. First, a summary of the different texts does not leave much room for the precarious formulation used in much of the documents. Second, because the differences between the RIGOs are hidden exactly in these precarious formulations, a condensed comparison is somewhat problematic. Nevertheless, it is possible to come to a number of general and comparative conclusions.

### Interpretation of the democratic concept

When looking at the different agreements, one of the most pressing findings is the relative little attention paid within the **European Union** (EU) to the interpretation and the protection of the democratic concept. Compared with, for instance the Organization of American States (OAS). In the **founding treaty** of the EU as well as in the prospective **European Constitution**, it is stated that the Union and the member states are founded on the principles of democracy. However, what these principles exactly are remains uncertain. In addition, in the **Copenhagen Criteria** – which member states have to meet to become eligible for membership – the concept of democracy is restricted to the statement that membership requires that the candidate country has achieved stability of institutions guaranteeing democracy.

The treatment of the concept of democracy is much more explicit in the case of the **OAS**. Already in its **founding charter** of 1948, democracy has found its way. Here, it is stated that the organization functions within the framework of democratic institutions. This is one of the first and most notable references to democracy of that time.

As the OAS evolved through the years, the commitments to democracy became stronger and stronger. In the 1992 amendment of the charter, it was announced that the promotion and consolidation of representative democracy was seen as one of the essential purposes of the organization. A decade later, the OAS adopted a **Democratic Charter**, giving democracy the highest priority. One of the most important elements of the charter was that, for the first time, the *right* to democracy and the *obligation* of governments to promote and defend it, was written down. The charter also sums up the essential elements of democracy, such as the holding of free and fair elections, the separation of powers and a pluralistic system of political parties.

The recent development of the **African Union's** (AU) commitments to democracy is in many ways similar to the OAS, deviating only with respect to the time in which the agreements are made. The most extreme example of this is the draft version of the **African Charter on Elections**,

**Democracy and Governance**, which is almost an exact copy of the democratic charter of the OAS.

A striking aspect of the African Union is its stress on the link between democracy and the reduction of poverty and conflict. The **Declaration on the Political and Socio-economic Situation in Africa** is an example of a document in which this link is made when it states that democracy and development should go hand in hand and should be mutually reinforcing. And in the **Cairo Agenda for Action**, it is agreed that “without democracy and peace, development is not possible, and, without development, peace is not durable”.

This link between development and democracy is the core element of **NEPAD** or the New Partnership for Africa’s Development. Democracy is seen as the instrument to achieve the goal of the program, which is the eradication of poverty and halting the marginalization of Africa in the globalization process. Besides that, in NEPAD’s agreement, a list of crucial elements of democracy is also included. These are, among others, the holding of free and fair elections, political pluralism and the unhindered existence of multiple political parties.

The importance of political parties is also a crucial element of the **Cusco Consensus** of the **Rio Group**. It is acknowledged that *political parties and party systems* have a central role to play in the process of democratization and that, in fact, democracy is not possible at all without the existence of political parties. Therefore, the Rio Group member states have agreed on a number of measures that should stimulate a strong position of political parties in the democratization process. These include the development of a platform in order to give the political parties the opportunity to develop a system of dialogue and consensus between each other and between them and civil society.

Finally, **ASEAN** is a somewhat deviant case in this list of RIGOs. Starting initially as a purely economic cooperation organ, the Association of South-East Asian Nations developed over time in the direction of cooperation that also included political matters. However, this went, up until now, not as far as coming to agreements concerning democracy and human rights. This restricted position can be found throughout all documents in which political cooperation is an issue: the importance of sovereignty and independence of the member states is stressed over and over again.

### Securing democracy

The next question is in which ways the *implementation* of all these agreements is guaranteed? Almost all discussed RIGOs have agreed on some sort of mechanism through which member states can react on the violation of principles and agreements concerning democracy. The use of these mechanisms, however, is a very delicate matter because invoking these means a direct interference in the domestic politics of a member state and violates in that sense the sovereignty of a member.

In the case of the EU, when the situation in a member state causes or threatens to cause a ‘serious and persistent breach’ of the basic principles of the union, the Council has the possibility of suspending a member state from using certain rights deriving from membership of the union. An example of such a right is the right to vote in the various ministerial councils. Up until now the EU has never used these provisions written down in article 7 of the **Treaty** and article 58 of the draft **Constitution**<sup>1</sup>.

The OAS *did* use its mechanism for responding to unconstitutional developments – called **Resolution 1080** – various times, for instance in the case of Haiti in 1991, Peru in 1992 and Paraguay in 1996. The invocation of this resolution, which can also be asked for by a member state itself, results in measures varying from “necessary diplomatic initiatives” to a total suspension of the right to participate in the OAS. However, the effectiveness of the resolution remains limited. Both sensitivity about nations’ sovereignty and the fact that the resolution can only be invoked in the case of clear-cut violations of democracy – coups d’état yes, but not, say, alleged election fraud – has caused Resolution 1080 to be widely criticised as being a blunt instrument.

This is the case for the African Union as well. This organization has two important documents that deal with the matter of unconstitutional changes of government. These are the **Algiers Declaration** and the **Framework for a Response to Unconstitutional Changes of Government**. In these documents the term *unconstitutional change* is defined and includes coups d’état by the military, mercenaries, dissident groups and rebel movements. It also includes the refusal by the incumbent government to resign after it has lost free and fair elections. The fact that this definition is given, makes the declaration a clear instrument. It does not, however, foresee in situations of fraudulent elections.

NEPAD has a specific program aimed at monitoring the advancements made, called the **African Peer Review Mechanism (APRM)**. The goal of this self-monitoring mechanism is to stimulate the adoption of new policies by sharing experiences and using the concept of best practice. To achieve this goal, the APRM consists of different stages in which evaluations are composed of the progress made by members of NEPAD. However, because of the voluntary character of the APRM, there are no clear

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<sup>1</sup> “An interesting occurrence concerning article 7 happened in the fall of 1999, when the far-right Freedom Party (FPÖ) led by Jörg Haider obtained 27 percent of the votes in the national elections in Austria. The remaining EU member states could at this point have invoked the article. However, probably as “a matter of speed, politics or legal insufficiency” they chose to take an alternative route. The leaders of 14 EU member states jointly condemned the inclusion of this party in Austria’s government coalition and stated that they would “neither promote nor accept any official bilateral contacts at a political level with an Austrian Government which included the FPÖ”. The sanctions remained bi-lateral and intergovernmental in character. Partly as a result of the experiences with Austria, article 7 was extended at the Nice European Council in 2000. The problem with the content of the article after Amsterdam was that the Council could interfere only when a breach of the basic principles had already occurred. This meant that the Council did not have an instrument to take preventive steps. With the amendment of the article at the Nice summit, this problem was solved. Now, the Council could also act when it determined, again after hearing the member state in question, “that there is a clear risk of a serious breach by a Member State of principles mentioned in Article 6(1)”, the former article F.”

sanctions or mechanisms to force participating states to implement agreements and promises.

### **Concluding remarks**

Finally, some concluding remarks about the role of the RIGOs in promoting and strengthening democracy. Although one RIGO is more engaged in the promotion of democracy than others, it is clear that they are almost all aware of the importance of securing democracy in regional agreements. An obvious objection to these agreements is that they are nothing more than paper tigers. When looking at Africa in particular, it is clear that some regimes can hardly be called democratic. An obvious example is the political crises in Zimbabwe. But also member states of other RIGOs would, if examined closely not pass the democratic test.

However, the sheer existence of agreements in which leaders promise to work for democracy is valuable in itself. It should be kept in mind that with making agreements that concern and affect the different domestic systems, governments are giving up a part of their sovereignty. This makes agreements hard to establish and to comply with. After all, when their policies deviate from the principles set within the RIGO, it is a possibility that this has direct consequences for the position of a country in the region. The fact that governments accept this possibility is in itself already an important step in promoting, strengthening and securing democracy.