

STRENGTHENING CORE VALUES IN THE AMERICAS: REGIONAL COMMITMENT TO DEMOCRACY AND THE PROTECTION OF HUMAN RIGHTS*

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I. INTRODUCTION

In discussions concerning national sovereignty during this age of regional integration, it is often asserted that, since the end of the Cold War, the Inter-American system has been strengthened by common values such as the importance of democratic political systems, human rights, and liberal economic models. We are poised to explore the depth and permanence of the American nations' commitments to these core values. The current and future effectiveness of the Organization of American States

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(OAS) cannot be examined without addressing the increased regional confidence in states to retain established democratic political systems. Nor can the regional impact of problems caused by increased drug trafficking be addressed without considering associated human rights and economic issues. Even topics such as trade, environmental protection, intellectual property, and extradition cannot be meaningfully discussed apart from these foundational concerns.

II. THE HISTORY OF DEMOCRACY AND HUMAN RIGHTS IN THE AMERICAS

For nearly two centuries a hemispheric consensus has existed on the principle that democracy is the best way to ensure individual liberty and justice and to protect basic human rights.¹ While promotion of democracy was not among the original enumerated purposes in the OAS Charter,² the right to political participation was embedded in the American Declaration of the Rights and Duties of Man³—adopted alongside the Charter in 1948. Article 20 of the American Declaration provides that “[e]very person having legal capacity is entitled to participate in the government of his country, directly or through his representatives, and to take part in popular elections, which shall be by secret ballot, and shall be honest, periodic and free.”⁴ The American Declaration also sets forth other core political rights

1. See O. CARLOS STOETZER, *THE ORGANIZATION OF AMERICAN STATES* 255 (2d ed. 1993) (“From the very beginning of the inter-American system, representative democracy became one of the ideals to be followed, and even when Latin American military regimes were in power they never ignored the possibility of returning sooner or later to a representative democratic government.”); see also Christina M. Cerna, *Universal Democracy: An International Legal Right or the Pipe Dream of the West?*, 27 N.Y.U. J. INT’L L. & POL. 289, 290 (1995) (discussing the fact that, although the right to live under a democratic form of government became an international legal right in 1948, this has been “honored more in the breach than in observance”).

2. See Charter of the Organization of American States, Apr. 30, 1948, art. 4, 2 U.S.T. 2394, 2417, 119 U.N.T.S. 3, 52 [hereinafter OAS Charter] (proclaiming the Charter’s “essential purposes”). The Charter originally set forth five purposes: 1) to strengthen the region’s peace and security; 2) to prevent and settle regional disputes; 3) to act together in the event of aggression; 4) to solve political, judicial, and economic problems between members; and 5) to promote economic, social, and cultural growth in the region. See *id.* These purposes were amended by the Protocol of Washington to include, inter alia, promotion of representative democracy. See Protocol of Amendments to the Charter of the Organization of American States, Dec. 14, 1992, 33 I.L.M. 1005 [hereinafter Protocol of Washington]. For a more recent integrated text of the OAS Charter, see Charter of the Organization of American States, *as amended by* the Protocol of Buenos Aires in 1967, by the Protocol of Cartagena in 1985, and by the Protocol of Managua in 1993, OAS Permanent Council, OEA/ser. G CP/INF.3964/96 (prov. ed. 1996) (entered into force Jan. 29, 1996).

3. American Declaration of the Rights and Duties of Man, Res. XXX, OAS Int’l Conf. of Am. States, 9th Conf., OEA/ser. L/V/I.4 (1948), *reprinted in* BASIC DOCUMENTS PERTAINING TO HUMAN RIGHTS IN THE INTER-AMERICAN SYSTEM 17, OEA/ser. L.V/II.71, doc. 6 rev. 1 (1988) [hereinafter American Declaration].

4. *Id.* art. 20.

including freedom of expression,⁵ freedom of association,⁶ freedom of peaceable assembly,⁷ and access to the courts to ensure respect for legal rights.⁸

A decade later, in the wake of the emergence of the Castro regime in Cuba, the members of the OAS met in Santiago and declared: “[h]armony among the American republics can be effective only insofar as human rights and fundamental freedoms and the exercise of representative democracy are a reality within each one of them”⁹ The Declaration of Santiago enumerates a partial list of the principles and attributes of the democratic system in this hemisphere.¹⁰ First, the rule of law “should be assured by the separation of powers, and by the control of the legality of governmental acts by competent organs of the state.”¹¹ The Declaration of Santiago also lists free elections, the incompatibility of democracy with perpetual power without a fixed term, respect for human rights, effective judicial procedures, freedom of information and expression, and the importance of achieving just and humane conditions for their people by strengthening and developing economic structures.¹² The Declaration of Santiago “permit[s] national and international public opinion to gauge the degree of identification of political regimes and governments with [democratic principles], thus contributing to the eradication of forms of dictatorship, despotism, or tyranny.”¹³

In 1985, as country after country throughout the region cast off repressive, rights-abusing military dictatorships and returned to popularly-elected civilian governments,¹⁴ the OAS, through the Protocol of Cartagena de Indias, amended its Charter to declare that “representative democracy is an indispensable condition for the stability, peace and development of the region.”¹⁵

III. THE IMPORTANCE OF DEMOCRACY

In this post-Cold War era when “[p]olicy nostrums come and go in Washington,”¹⁶ policymakers are promoting democracy as the best means

5. *See id.* art. 4.

6. *See id.* art. 22.

7. *See id.* art. 21.

8. *See id.* art. 18.

9. Res. I, The Declaration of Santiago, Chile, OAS Ministers of Foreign Affs., 5th mtg., OEA/ser. C/II.5 (Aug. 12–18, 1959) [hereinafter Declaration of Santiago].

10. *See id.*

11. *Id.*

12. *See id.*

13. *Id.*

14. *See* Christopher R. Thomas, *The OAS at a Time of Change in the Americas*, INT’L DEF. REV. 66, Dec. 31, 1994, available in WESTLAW, TP-All Database (discussing Latin American democratization during the 1980s).

15. Protocol of Amendment to the Charter of the Organization of American States, Dec. 5, 1985, art. I, 66 O.A.S.T.S. 23, 25 I.L.M. 527 [hereinafter Protocol of Cartagena].

16. Thomas Carothers, *The Democracy Nostrum*, WORLD POL’Y J., Fall 1994, at 47, 47.

to prevent interstate war.¹⁷ Our increasingly border-porous world is transected not only by multinational corporations and global capital markets but by the mass media, nongovernmental organizations (NGOs), and transnational issue networks.¹⁸ If preventing interstate war seems an out-dated reason for promoting worldwide democracy, it is even more outdated in the Americas where, despite occasional border skirmishes, major interstate conflict has been avoided for decades.

For the Americas, the most important reason for establishing and maintaining democracy has long been understood. Upon establishing the Alliance for Progress in 1961, the OAS declared: “free men working through the institution of representative democracy can best satisfy man’s aspirations, including those for work, home and land, health and schools. No system can guarantee true progress unless it affirms the dignity of the individual which is the foundation of our civilization.”¹⁹

Recent commentary seeks to explain why democracies do not go to war with one another and sheds light on why democracies are the best political vehicles for protecting basic human rights and meeting basic human needs.²⁰ In his 1993 study, Bruce Russett posits that both normative²¹ and structural²² considerations restrain the behavior of democracies.

Normatively, in successful democracies citizens share a belief in the existence and effectiveness of the rule of law as the best means of conflict resolution.²³ Even those in the opposition or otherwise lacking power share the belief that they will be treated fairly—that their voices, if they choose to raise them, will contribute to the policy debate, and that real remedies are available to them if they are shut out.²⁴ Moreover, those in power

17. *See id.*; *see also* BRUCE RUSSETT, GRASPING THE DEMOCRATIC PEACE: PRINCIPLES FOR A POST-COLD WAR WORLD 25–26 (1993) (discussing how nations become more peaceful toward each other as they become bound by common ties of transnational linkages and institutions among individuals, private groups, and governmental agencies).

18. An issue network is a group of organizations with shared values which works on an international issue through an exchange of information and services. *See* Kathryn Sikkink, *Human Rights, Principled Issue-Networks, and Sovereignty in Latin America*, 47 INT’L ORG. 411, 415 (1993). An NGO is a private association engaged in political activity, typically involving issues of human rights violations, such as Amnesty International. *See* JACK DONNELLY, INTERNATIONAL HUMAN RIGHTS 13 (1993).

19. Declaration to the Peoples of America, OAS Inter-Am. Econ. & Soc. Council, OEA/ser. H/XII.1, Aug. 17, 1961.

20. *See* RUSSETT, *supra* note 17, at 31–32 (describing how people in a democracy perceive themselves as “live-and-let-live,” leading them to respect the rights of others whom they perceive as similarly self-governing).

21. *See id.* at 31 (noting that all participants in the democratic process are expected to share certain norms and that this operates as a restraint on violence between democracies).

22. *See id.* at 38 (borrowing Kant’s theory that institutional division of powers constrains democracies from going to war).

23. *See* Cerna, *supra* note 1, at 294–95.

24. *See id.* at 296 (discussing an “equality founded upon law” which provides for the participation of *all* individuals in a democratic government).

assume and respect the loyal intentions of those not in power.²⁵ In successful democracies there is little reason for governmental opponents to choose insurgent action, since peaceful means for expressing opposing views—whether through the ballot box, legislative opposition, or the courts—are readily available.²⁶

With respect to structural or institutional considerations, Russett's research reinforces the theoretical ideas of Immanuel Kant. Kant maintains that the characteristics of a "republican" government make it difficult for democratic leaders to move their countries towards war.²⁷ Those characteristics include a division of power, checks and balances, and an open and public political discourse.²⁸ These structural and institutional constraints play central roles in the protection of human rights and the meeting of basic human needs in domestic contexts.²⁹ Systems of checks and balances, open public debate with ample room for opposing voices to be heard, and the regular risk shared by all politicians of being voted from office by a dissatisfied electorate are the best guards against brute assertions of power by a political cadre or branch of government.

Shared norms and similar political institutions also promote regional cooperation to achieve the purposes of the OAS Charter. In recent years there has been an expansion of rhetoric affirming the regional consensus on democracy.³⁰ This new rhetoric is significant, not only because it firmly commits the region to active promotion of democracy, but also because it

25. See RUSSETT, *supra* note 17, at 31 ("Dissent within broad limits by a loyal opposition is expected and even needed for enlightened policy-making, and the opposition's basic loyalty to the system is to be assumed in the absence of evidence to the contrary.").

26. See *id.*

27. See KANT: POLITICAL WRITINGS 100 (Hans Reiss ed. & H.B. Nisbet trans., 2d ed. 1991) (arguing that a republican government offers the prospect of attaining a "perpetual peace" because the citizens of a republic are likely to be very hesitant in "calling down on themselves all the miseries of war").

28. See *id.* at 85, 101.

29. See Cerna, *supra* note 1, at 295 ("The existence of a democratic form of government—evidenced by fair and free periodic elections, three branches of government, an independent judiciary, freedom of political expression, equality before the law, and due process—is *sine qua non* to the enjoyment of human rights.").

30. See Babacar Ndiaye, *International Co-operation to Promote Democracy and Human Rights: Principles and Programmes*, THE REV., Dec. 1992, at 23, 23 (stating that there has been a worldwide movement to support democracy and human rights); Gert Rosenthal, *On Poverty and Inequality in Latin America*, J. INTER-AM. STUD. & WORLD AFF., Summer/Fall 1996, at 15, 35 (noting that social development and equality now are considered highly desirable in Latin America); Stephen J. Schnably, *The Santiago Commitment as a Call to Democracy in the United States: Evaluating the OAS Role in Haiti, Peru, and Guatemala*, 25 U. MIAMI INTER-AM. L. REV. 393, 399-402 (1994) (noting the "grandly named" Santiago Commitment is a "sweeping document" which seeks to strengthen respect for human rights and democracy). The Preamble to the Santiago Commitment provides: "representative democracy is the form of government of the region" and that its effective exercise, consolidation, and improvement are "shared priorities." Preamble to the Santiago Commitment to Democracy and the Renewal of the Inter-American System, OAS GAOR, 21st Sess., OEA/ser. P/AG doc. 2734/91 (June 4, 1991).

sets the stage for regional institutional action to ensure the continuity of democratic political institutions in OAS member states.

IV. RECENT OAS ACTIONS

At its Twenty-First General Assembly held in Santiago in 1991, the OAS passed Resolution 1080.³¹ This resolution created an automatic procedure for convening the hemisphere's foreign ministers in the event of a coup d'état or other interruption of the legitimately elected government of a member state "to look into the events collectively and adopt any decisions deemed appropriate."³² The following year the members agreed to further amend the OAS Charter by revising Article 9, which gives the General Assembly the power, by a two-thirds vote, to suspend from membership a government that overthrows a democratic regime.³³

Since 1991, this regional commitment to act to prevent the collapse of democracy has been tested four times. In three cases—Haiti, Peru, and Guatemala—the hemisphere's foreign ministers convened to adopt measures to restore democracy.³⁴ Most recently, when democracy was threatened in Paraguay, the OAS sent Secretary-General César Gaviria Trujillo to Paraguay to demonstrate hemispheric support for President Wasmosy and the constitutional government.³⁵

V. THE NEED TO DEFINE DEMOCRACY

Despite hemispheric consensus that regional goals such as protection of human rights, economic development, and liberalization of trade are best achieved through democracy, and regardless of the new consensus that the hemisphere must act collectively to prevent the collapse of democracy, there remains a high level of regional discomfort about defining democ-

31. See AG/RES. 1080, Representative Democracy, OAS GAOR, 21st Reg. Sess., 5th Plen. Sess., OEA/ser. P/XXI.O.2 doc. 2739/91 rev. 1 (June 4, 1991).

32. *Id.*

33. See Protocol of Washington, *supra* note 2, art. 9.

34. See Cerna, *supra* note 1, at 314–25 (discussing OAS reactions to events in Haiti, Peru, and Guatemala).

The experiences with Haiti, Peru, and Guatemala have produced the following procedure within the OAS, reflected in *Resolution 1080*: within ten days of the interruption of the democratic process in any member state of the Americas, the Secretary General is to convene a meeting of the Permanent Council, which is then to convoke an Ad Hoc Meeting of Ministers of Foreign Affairs. A resolution condemning the interruption of the democratic process, calling for its reestablishment, and sending a mission to commence dialogue between the parties to bring about the full restoration of democratic order may then be adopted.

Id. at 325.

35. See Peter Hakim, *Good News from Paraguay: A Coup d'État Falls Flat*, CHRISTIAN SCI. MONITOR, May 30, 1996, at 19.

racy.³⁶ As recently as 1994, while recognizing how much regional consensus had been achieved with respect to the value of democracy and the need for intergovernmental action to protect it,³⁷ acting OAS Secretary General Christopher Thomas declared, “[t]here is no universally valid concept of democracy” and made a plea that work ensue to achieve a regional definition.³⁸

For someone like me, whose career has been spent in academia and nongovernmental work to protect human rights, it is not difficult to describe democracy. I define democracy as a system in which the protection of human rights and the prevention of governmental tyranny are ensured through political processes and institutions that provide the broadest possible opportunities for political participation. The tyranny of the majority is prevented by a normative framework and supporting legal institutions that check any impulses of the majority to trample the rights of minorities or others not in power. This description does not preclude the possibility that rights abuses will happen in democracies. But when abuses occur, there are mechanisms that can be triggered to hold those responsible accountable and to provide reparation to victims.

While we strive to have our influence, intergovernmental decisions are not made by people like me. They are made by representatives of sovereign states who bring to the negotiating table historical experience, their own state interests, and many other competing political concerns. To ensure that decisions are respected as truly representative of intergovernmental consensus, such decisions are presumed to be made by consensus among members of the international community.³⁹ That consensus seems to come most easily when the principles are so broadly drawn that there is ample room for domestic interpretation, or when action is directed towards narrow, time-bound circumstances that can be managed effectively with appropriate technical expertise. While consensus on complex themes is not impossible, as witnessed by the elaborate normative and institutional framework developed by the OAS for the protection of human rights, it is rarely achieved with ease.

In the case of democracy, the historical and political forces pushing against the momentum for greater clarity of meaning are powerful. Indeed, they are rooted in the foundational tension in international law between

36. See Ndiaye, *supra* note 30, at 25 (indicating that “while there may be agreement on the desirability of democratic systems, considerable differences still exist on the essential properties of democratic systems of governance”); see also Richard J. Bloomfield, *Making the Western Hemisphere Safe for Democracy? The OAS Defense-of-Democracy Regime*, THE WASH. Q., Spring 1994, at 157, 161–62 (highlighting the inherent contradiction between Article 18 of the OAS Charter, which explicitly forbids intervention by one state or a group of states in the affairs of another state, and the Santiago Commitment, which actively promotes such intervention in the name of preserving democracy).

37. See Thomas, *supra* note 14, at 9.

38. *Id.* at 10.

39. See Ndiaye, *supra* note 30, at 25.

intergovernmental cooperation and the inherent rights of states to protect their sovereignty.⁴⁰ Thus, in 1985, when the OAS amended its Charter to include the promotion and consolidation of representative democracy, it qualified its commitment with the phrase “with due respect for the principle of nonintervention.”⁴¹

These forces also have roots in historic intra-regional tensions between the United States and the other OAS member states for which memories of unilateral U.S. encroachment into the sovereign domain of other states—often for less than noble purposes—are difficult to forget.⁴² Indeed, it has taken years for democracy’s legitimacy to rebound from the reductionist taint placed on it by the Reagan administration. In an effort to distinguish its foreign policy from that of the human-rights oriented Carter Administration, the Reagan administration grasped “democracy” as a rhetorical alternative.⁴³ When it came to the application of that policy, however, all a state had to do to win praise from the Reagan White House for being democratic was to hold one not-too-corrupt election.⁴⁴

Given the political and economic forces transforming our hemisphere today and the meaning of sovereignty in the region, further hesitancy in achieving a meaningful regional definition of democracy does not make sense. Even if there cannot yet be “universal” consensus, the relative homogeneity of the region, the already solidified consensus on human rights norms, and other sovereignty-busting policy choices such as the reduction of statism in the management of national economies,⁴⁵ coupled with the important interests at stake make achieving consensus on democracy imperative.

When I say important interests are at stake, I do not just mean that the OAS needs clearer guidelines to determine when to take action. Rather, as Professor Thomas Franck points out, by keeping consensus on meaning

40. See Thomas M. Franck, *The Emerging Right to Democratic Governance*, 86 AM. J. INT’L L. 46, 78 (1992) (noting that this “residual conflict of principles still troubles many states”).

41. Protocol of Cartagena, *supra* note 15, art. 2(b).

42. See, e.g., Thomas J. Jackamo, III, Note, *From the Cold War to the New Multilateral World Order: The Evolution of Covert Operations and the Customary International Law of Non-Intervention*, 32 VA. J. INT’L L. 929, 955–56 (1992) (discussing the International Court of Justice’s findings that the United States violated “customary international law of non-intervention” in their relations with Nicaraguan Contra forces).

43. See Jerome J. Shestack, *An Unsteady Focus: The Vulnerabilities of the Reagan Administration’s Human Rights Policy*, HARV. HUM. RTS. Y.B., Spring 1989, at 25, 27, 44 (contrasting the Carter and Reagan administrations’ human rights policies and discussing the exclusionary and narrow basis of Reagan’s “internationally recognized human rights” conception).

44. See *id.* at 44 (noting that the Reagan administration would downplay governmental abuses once an election took place, even if the election was flawed).

45. See Amy L. Chua, *The Privatization-Nationalization Cycle: The Link Between Markets and Ethnicity in Developing Countries*, 95 COLUM. L. REV. 223, 237–38 (1995) (outlining the liberalization and privatization policies of Mexico between 1988 and 1994 which resulted in at least 362 state-owned companies being sold or closed down).

overly broad and agreement on the scope of action extremely narrow, the international community allows states that are democratic in name only to benefit from undeserved legitimacy.⁴⁶ They face no pressure to make sure all democratic components are in place, that human rights are fully respected, or that the basic needs of their poorest citizens are met before all else. A time when nearly half the region's population is unable to provide for their most basic human needs⁴⁷ is no time to let states easily off the hook, particularly because states without a full panoply of democratic release valves are more likely to suffer internal strife in times of economic hardship.⁴⁸ Moreover, clear articulation of principles does not just make it easier to develop binding human rights norms and recognize violations. It also gives individual states something to strive for.

VI. WHERE DO THE UNITED STATES AND MEXICO STAND?

It is opportune in this symposium of Mexican and U.S. lawyers and policy-makers to remark on steps the United States and Mexico should take to strengthen democracy and human rights domestically and throughout the region.

While hardly perfect, U.S. democracy functions fairly well domestically. There is a strong and established tradition of the rule of law assured by the separation of powers and the institutional protection of individual rights.⁴⁹ The political process is transparent and non-exclusive, even if a majority of Americans distrust and avoid it.⁵⁰

However, the picture is mixed when it comes to respect for human rights and the state's commitment to meeting the basic needs of its poorest

46. See Franck, *supra* note 40, at 50–51 (noting that the capacity of the international community to extend legitimacy to states depends on the “degree to which the process of legitimation itself has become legitimate”); see also GUY POITRAS, *THE ORDEAL OF HEGEMONY: THE UNITED STATES AND LATIN AMERICA* 74–81 (1990) (noting that “democracy” in Central America is often “*form* rather than *substance*” and setting out three major signs of *true* democracy: free, inclusive, fair elections; protection of political and human rights; and improved human conditions).

47. See SOUTH AMERICA, CENTRAL AMERICA, AND THE CARIBBEAN 1988 474 (2d ed. 1987) (noting in the late 1980s that almost one-half of the population of Mexico was undernourished) [hereinafter SOUTH AMERICA].

48. See Rosenthal, *supra* note 30, at 15 (arguing that this “pressure cooker” syndrome can threaten democratic institutions and lead to instability and uncertainty).

49. See Louis Henkin, *Constitutionalism and Human Rights*, in CONSTITUTIONALISM AND RIGHTS: THE INFLUENCE OF THE UNITED STATES CONSTITUTION ABROAD 383, 385–86 (Louis Henkin & Albert J. Rosenthal eds., 1990).

50. See, e.g., Elliot Krieger, *Campaign 96, Democracy in America: A Season of Discontent*, PROVIDENCE J.-BULL., Feb. 12, 1996, at A1 (discussing a national public opinion survey which found “widespread frustration and pessimism toward public officials”); Phillip J. O'Connor, *Low Voter Turnout at Polls Here; No-Shows Setting City Record*, CHI. SUN-TIMES, Nov. 5, 1996, at 1 (projecting the lowest voter turnout for a presidential election in Chicago's history); Katherine M. Skiba, *State Voter Turnout of 57% is Lowest Since 1920*, MILWAUKEE J. SENTINEL, Nov. 7, 1996, at 15 (discussing low voter turnouts in Wisconsin due to negative ads, boring campaigns, apathy, and rising levels of voter distrust).

people.⁵¹ The civil and political rights of most Americans are respected, though there are still strong discriminatory tendencies that make African-Americans, Hispanics, and other minorities vulnerable to official abuse. There is also significant political momentum to turn back the clock on the rights of persons accused of crime and incarcerated persons, particularly those on death row.⁵² As for the commitment to protect economic and social rights, there is decreasing political willingness to provide for the increasingly entrenched and marginalized U.S. underclass, including the basic human needs of our poorest residents—particularly children.

Judicial procedures have proven sufficiently resilient to survive recent major embarrassment, but their efficiency is badly eroded. As a result, they provide a slow check on majoritarian tyranny, such as the wave of anti-immigrant sentiment that is gripping much of the population and a frightening proportion of those holding political power.

On the international front, despite an increasingly cooperative attitude, the United States continues to maintain a double standard when it comes to opening itself up to the scrutiny of regional human rights bodies. The most significant new signal the United States could send demonstrating its commitment to bolstering democratic values throughout the region would be for it to ratify, without unnecessary reservations, the American Convention on Human Rights,⁵³ and to accept the compulsory jurisdiction of the Inter-American Court of Human Rights.⁵⁴

Mexico still has a long way to go before democracy is fully consolidated. There is yet no clear separation between the government and the Institutional Revolutionary Party (PRI).⁵⁵ Similarly, a sufficient system of checks and balances is noticeably absent.⁵⁶ Although the 1994 Presidential election was reasonably clean,⁵⁷ allegations of electoral fraud in state and local elections continue to haunt political life.⁵⁸ Corruption and impunity

51. See Shestack, *supra* note 43, at 34–35 (discussing the Reagan administration's use of rhetoric proclaiming the importance of being an international leader through domestic human rights measures while simultaneously trying to undercut services and programs designed to assist the poor and needy of the United States).

52. See *Blackmun's Dissent: Has It Become the Majority Opinion?*, 45 AM. U. L. REV. 246, 265–66 (1995) (noting efforts by Congress to de-fund resource centers, reduce federal funds for appointed counsel in post-conviction cases, and eliminate mandatory appointment of counsel in federal habeas capital cases, "making it even more likely that arbitrariness will infect the death penalty system").

53. See American Convention on Human Rights, Nov. 22, 1969, 1144 U.N.T.S. 123.

54. The Inter-American Court of Human Rights is described in Chapter Eight of the American Convention on Human Rights. See *id.* arts. 52–69, at 157–60.

55. See ERNEST ROSSI & JACK C. PLANO, *THE LATIN AMERICAN POLITICAL DICTIONARY* 111–12 (1980) (noting that the PRI has dominated Mexican politics since its inception in 1929).

56. See Andrew A. Reding, *Mexico's Law and Order Crisis*, J. COM., Aug. 1, 1995, at 8A.

57. See Tim Golden, *Mexico Votes for the Status Quo*, N.Y. TIMES, Aug. 28, 1994, § 4, at 4; see also Jorge Alcocer V., *The International Observation of Electoral Processes: The Mexican Experience in 1994*, 19 HOUS. J. INT'L L. 689 (1997).

58. See Reding, *supra* note 56 (arguing that old-style political bosses have taken control of politics through patronage, electoral fraud, and intimidation).

remain urgent problems.⁵⁹ The courts are rife with problems of abuse, intimidation, lack of independence, and lack of accountability.⁶⁰ The armed forces also struggle with corruption and fail to protect human rights.⁶¹ While subordinate to civilian authorities,⁶² they are almost entirely exempt from civilian review,⁶³ and do not welcome efforts of their own members who press for accountability.⁶⁴ As for economic and social rights, Mexico is still a poor country and many of its citizens are in need.⁶⁵ Improvements will hinge on economic recovery which in turn is dependent on the strengthening of democracy and civil and political rights.

On the other hand, there has been much recent progress in Mexico.⁶⁶ Most extraordinary is the enormous growth and sophistication of those sectors of civil society dedicated to the promotion of democracy and the protection of human rights.⁶⁷ These unstoppable domestic forces reveal the power of democracy in action and give rise to hope that the difficult problems still ahead will yield to popular insistence that they be remedied.

Another cause for optimism is Mexico's increasing embrace of international cooperation as a means of solving its own and regional problems. Mexico's invitation to the Inter-American Commission on Human Rights to conduct an on-site visit was an important signal of the confidence it places in intergovernmental activity.⁶⁸ It would be an even more significant signal if Mexico were also to accept the compulsory jurisdiction of the Inter-American Court of Human Rights.

59. *See id.*

60. *See id.*

61. *See id.*; *see also* Edward Cody, *Drug Bust Goes Awry in Mexico*, WASH. POST, Nov. 29, 1991, at A1 (stating that a botched drug bust, which resulted in the deaths of Mexican narcotics agents, "revived the specter of Mexican army involvement in cocaine smuggling").

62. *See* Cody, *supra* note 61.

63. *See* Julia Preston, *O.A.S. Rights Panel Censures Mexico Over General's Imprisonment*, N.Y. TIMES, Jan. 25, 1997, § 1, at 3.

64. *See id.* (discussing the arrest of Brigadier General José Francisco Gallardo Rodríguez and the finding by the Inter-American Commission on Human Rights that General Rodríguez, who had detailed and criticized military corruption in an essay, was imprisoned "with no reasonable, logical or justifiable purpose").

65. *See* SOUTH AMERICA, *supra* note 47, at 474.

66. *See* Bloomfield, *supra* note 36, at 163 (crediting nongovernmental human rights lobbyists with weakening the formerly invulnerable PRI and making human rights and political advances in Mexico in recent years).

67. *See* Sikkink, *supra* note 18, at 430-31 (discussing the rise of human rights consciousness and involvement of NGOs and international organizations in Mexico). In 1984, only four human rights organizations existed in Mexico; by 1993, there were over 200 independent human rights monitoring and advocacy NGOs in Mexico. *See id.* at 430.

68. *See* Preston, *supra* note 63 (noting that 1996 marked the first time the Mexican government, which had formerly maintained human rights were not subject to international monitoring, allowed the Commission to make a fact-finding visit).

VII. CONCLUSION

Clear regional consensus on the meaning of democracy and the steps needed to encourage its consolidation would provide invaluable support to those in the United States and Mexico dedicated to strengthening democracy and the protection of human rights. It would also increase regional problem-solving capacity. An increasingly interdependent region should develop the strong bonds of trust and mutual respect necessary to act, resolve crises, and solve chronic problems. Such solutions can best be accomplished when all states in the region both adhere to common values and are open to and subject to regional mechanisms designed to protect those values.