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Inter-American Institutions and Conflict Prevention

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EXECUTIVE SUMMARY

In the context of the Global Partnership for the Prevention of Armed Conflict (GPPAC), civil society organizations (CSOs) in North America, Latin America and the Caribbean have been engaged in dialogue about the specificities of conflict prevention challenges and options in the Western Hemisphere. This paper opens with a review of the evolution of inter-American norms and institutions that deal, directly or indirectly, with conflict prevention in the hemisphere. It looks at four pillars of conflict prevention practices: i) the peaceful settlement of inter-state disputes and the new hemispheric security agenda; ii) the protection of human rights; iii) the defense and promotion of democracy; and iv) other aspects of structural prevention, especially the work of the Inter-American Development Bank and the Free Trade Agreement of the Americas (FTAA) as a catalyst for conflict. The review finds that regional mechanisms for conflict prevention have improved, but there are still many deficits and weaknesses that need to be addressed. Based on these findings, the paper suggests five aspects of inter-American relations that could be the focus of common CSO engagement over the coming years. Promising strategies for hemispheric level conflict prevention include the Organization of the Americas States (OAS) mechanisms for the peaceful settlement of inter-state disputes; the OAS defence of democracy regime; early warning mechanisms of the inter-American human rights machinery (including norms and mechanisms related to the responsibility to protect); policies of the IDB; and activities aimed at creating a coherent approach to conflict prevention in the hemisphere. The evidence suggests that some inroads have been made already. Recently, there has been an emergence of CSO networks committed to conflict prevention providing a space to engage CSOs and officials working on more traditional development and security issues; this has helped to foster the synergies required to build a true culture of prevention in the Americas.

RÉSUMÉ

Dans le contexte du Partenariat mondial pour la prévention des conflits armés (PMPCA), les organisations de la société civile (OSC) en Amérique du Nord, en Amérique latine et dans les Caraïbes se sont engagées dans un dialogue sur les spécificités des défis et options relatifs à la prévention des conflits dans l'hémisphère occidental. Ce document débute par une analyse de l'évolution des normes et institutions interaméricaines qui traitent, directement ou indirectement, de la prévention des conflits dans l'hémisphère. Il examine les quatre piliers des pratiques en matière de prévention des conflits i) le



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règlement pacifique des conflits internationaux et le nouveau programme hémisphérique sur la sécurité; ii) la protection des droits humains; iii) la défense et la promotion de la démocratie; et iv) les autres aspects de la prévention structurelle, en particulier le travail de la Banque de développement interaméricaine (BID) et l'Accord de libre-échange des Amériques (ALEA) comme catalyseurs en cas de conflits. Le document explique que les mécanismes régionaux de prévention des conflits se sont améliorés, mais qu'il persiste encore de nombreux manques et faiblesses qu'il faut régler. À partir de ces conclusions, le document propose cinq aspects des relations interaméricaines qui pourraient devenir le pivot de l'engagement commun des OSC au cours des prochaines années. Les stratégies prometteuses en matière de prévention des conflits au niveau hémisphérique comprennent les mécanismes de l'Organisation des États américains (OEA) pour le règlement pacifique des conflits internationaux et la défense des régimes démocratiques; les mécanismes d'alerte rapide du système interaméricain en matière de droits humains (y compris les normes et les mécanismes relatifs à la responsabilité de protéger); les politiques de la BID et les activités visant à élaborer une approche cohérente pour la prévention des conflits dans l'hémisphère. Les observations montrent que des progrès ont déjà été réalisés. La récente émergence de réseaux d'OSC engagées dans la prévention des conflits a fourni un espace où les OSC et les responsables peuvent travailler sur des questions plus traditionnelles de développement et de sécurité et a favorisé les synergies nécessaires pour bâtir une véritable culture de la prévention dans les Amériques.

RESUMEN

Como parte de las actividades de la *Global Partnership on the Prevention of Armed Conflict* (GPPAC – Alianza Internacional para la Prevención de Conflictos Armados), un grupo de organizaciones de la sociedad civil (OSC) de América del Norte, América Latina y del Caribe se han unido en un diálogo sobre las particularidades de los desafíos y opciones para la prevención de los conflictos armados en este hemisferio. Este trabajo comienza con un análisis de la evolución de las normas e instituciones interamericanas que se ocupan, directa o indirectamente, de la prevención de conflictos en el hemisferio. Asimismo, se distinguen los cuatro pilares sobre los que descansan los procedimientos empleados para la prevención de conflictos, a saber: 1) la solución pacífica de los conflictos interestatales y la nueva agenda sobre seguridad hemisférica; 2) la protección de los derechos humanos; 3) la defensa y promoción de la democracia; y 4) otros aspectos de prevención estructural, en especial la labor catalizadora del Banco Interamericano de Desarrollo (BID) y del Área de Libre Comercio de las Américas (ALCA) para la aparición de conflictos. Este estudio concluye que los mecanismos para la prevención de conflictos han mejorado; sin embargo, aún existen numerosas deficiencias por resolver. A partir de los resultados hallados, recomendamos cinco aspectos de las relaciones interamericanas hacia los cuales las organizaciones de la sociedad civil de conjunto podrían dirigir sus esfuerzos en los próximos años. Entre las instancias propicias para la elaboración de estrategias encaminadas a la prevención de conflictos en el hemisferio se encuentran los mecanismos de la Organización de Estados Americanos (OEA) para la solución pacífica de controversias interestatales; los dispositivos de la OEA para la defensa de la democracia; los instrumentos de advertencia temprana del sistema interamericano de derechos humanos (incluyendo normas y mecanismos asociados a la *responsabilidad de proteger*); las políticas del BID; y las actividades dirigidas a crear un enfoque coherente en favor de la prevención de conflictos armados en el hemisferio. Existen pruebas de que se han logrado algunos avances hasta la fecha. Se ha notado un resurgimiento de redes de OSC comprometidas con la prevención de conflictos las cuales ofrecen un espacio para agrupar a las OSC y a aquellos funcionarios que se encargan de cuestiones de desarrollo y seguridad en un sentido más tradicional. Esto ha contribuido a fomentar complementariedades útiles para crear una verdadera cultura de prevención en las Américas.

INTRODUCTION

In the mid-1990s, particularly in certain UN and OECD circles, there was a growing awareness of the need to shift from a culture of reaction to a culture of prevention in order to stem the spread of large-scale violent conflicts across the world. In UN parlance this enormous challenge was recognized as having two basic components:

- “Operational prevention”: the use of early warning mechanisms, diplomacy, sanctions and other instruments to defuse political crises and prevent their escalation into armed violence.
- “Structural prevention”: the longer-term promotion of reforms to the institutions of political governance, rule of law, economic, social and cultural development to address the so-called underlying causes of conflict.(UNSG, 2001)

The Carnegie Commission on the Prevention of Deadly Conflict played a key role in galvanizing global support for an integrated approach to conflict prevention.(1997) From the outset many recognized that this agenda would require the combined efforts of international, regional, government, private sector and civil society organizations. Yet the extent of movement towards a culture of prevention, and the exact division of labour that is emerging between different institutions, varies from one region to another.

In Americas the concept of conflict prevention arrived in the late-1990s to a context where there were already sophisticated institutions practicing conflict prevention under different guises. An inter-American infrastructure for the “pacific settlement of disputes” between states had been built on the basis of the 1948 Bogotá Pact. There was a human rights system linking key inter-American institutions to governmental and NGO mechanisms across the hemisphere. To these pillars the Organization of American States had added a “defense of democracy regime” in the 1990s, enabling it to respond proactively to major threats against democratically elected governments. The OAS had also established the Unit for the Promotion of Democracy to provide technical assistance for

democratic development, and had become involved in several postwar peacebuilding processes. The Inter-American Development Bank had also engaged in peacebuilding and had developed programs to promote the “modernization of the state”. In addition, the IDB had begun to examine the linkages between security and development.

Many global institutions were also involved in parts of this agenda, from the UN's pivotal role in the mediation and verification of the Salvadoran and Guatemalan peace accords, to the IMF and World Bank's roles in promoting macro-economic stabilization programs and broader market-oriented reforms across the hemisphere. Several sub-regional institutions had also taken on conflict prevention roles: for example the Eastern Caribbean Regional Security System coordinated island states' responses to new security threats such as drug trafficking, while the Framework Treaty for Democratic Security in

Central America provided a basis for collaboration on a range of security issues.

Does this mean that there has been steady movement towards a culture of prevention in the Americas, albeit under different guises? What role have inter-American institutions played in conflict prevention? Why have certain parts of the agenda advanced while others have not? What does this mean for the possible emergence of an effective

conflict prevention regime in the hemisphere?

This paper offers tentative answers to these questions based on a scan of changing practices in the hemisphere. It is based mainly on desk research, focuses on inter-American institutions and merely glances at the UN for comparative purposes. It does not examine the roles of sub-regional organizations, governments, the private sector or civil society. A complementary paper written by distinguished Latin American colleagues provides more extensive comparisons of UN and OAS conflict prevention roles, and looks in detail at prospects for partnerships with civil society organizations [CSOs].(Jacome et al, 2004) This paper was written mainly to inform CSOs strategizing in the context of the Global Partnership for the Prevention of Armed Conflict (GPPAC), not to feed directly into inter-governmental processes.

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INSTITUTIONS, NORMS AND PRACTICES

The conflict prevention roles of inter-American institutions can be separated into four pillars: a) the peaceful settlement of disputes and hemispheric security; b) the protection of human rights; c) the defense and promotion of democracy; d) other aspects of structural prevention.

The peaceful settlement of inter-state disputes, and hemispheric security

The Americas have a highly developed regional regime for the peaceful resolution of inter-state disputes. This regime emerged in the nineteenth century to manage post-colonial territorial conflicts and, particularly after the War of 1898, to manage an increasingly challenging relationship with the United States. During World War Two the US sponsored the establishment of the Inter-American Defense Board to coordinate defense against the Axis powers. After the war it spearheaded the codification of collective security arrangements through the Rio Treaty, and the establishment of the Organization of American States. The OAS Charter enshrined the principles of non-intervention, juridical equality and the peaceful settlement of disputes between states.

In 1948 the Bogotá Pact further specified the normative framework and operational mechanisms for the pacific resolution of disputes. The Secretary-General of the OAS was mandated to keep a watch on inter-state disputes in the region, and use his good offices to facilitate the peaceful resolution of controversies. He is accountable to the Permanent Council, which provides a forum for the discussion of differences between member states. The General Assembly and the Council of Ministers provide additional fora for such discussions. Disputes can also be referred to the International Court of Justice.

These mechanisms were sidelined during the Cold War because of the emphasis on “internal threats to national security”. The OAS was unable to prevent US subversive operations against Cuba or Cuban support to insurgent movements throughout Latin America from the 1960s onward. Nor was it able to prevent the Argentine-UK War of 1982, the US-led invasion of Grenada in 1983, or the US invasion of Panama in 1989. Yet in the 1990s these mechanisms enjoyed a revival in lower-profile disputes. By 2000 the Office of the OAS Secretary-General was involved in the mediation of three territorial disputes. This has included a field

presence and active engagement in the Belize-Guatemala dispute. (Soto, 2004) Box 1 summarizes the record in the Honduras-Nicaragua dispute, a conflict that has been diffused partly as a result of OAS mediation.

Box 1: Mediating the Honduras-Nicaragua dispute

- November 1999: Longstanding maritime border dispute threatens to escalate into armed conflict. The parties request OAS mediation. OAS Permanent Council mandates Secretary-General to act.
- 2000: OAS Special Representative facilitates agreements on confidence-building measures. Parties submit dispute to International Court of Justice.
- 2001: ICJ rules on disputes. Parties invite OAS to deploy Civilian Verification Mission.
- December 2001: CMV reports on compliance and dispute formally ends.

Source: Soto, 2004 and www.oas.org/csh/default.htm.

In recent years there has also been progress on wider measures to prevent the escalation of inter-state disputes into war. (Millet, 2004 and 2005, forthcoming) In the context of the “new hemispheric security agenda” that emerged in the 1990s, OAS members agreed to:

- Establish the Committee on Hemispheric Security (CHS) to provide civilian leadership on the coordination of security policy in the hemisphere.
- Implement confidence and security-building measures (CSBMs) such as exchanging information on arms inventories and military exercises.
- Discuss a “multidimensional” conception of security that goes beyond traditional threats to territorial integrity to encompass issues like drug trafficking.
- Examine options for reforming institutions like the Inter-American Defense Board, to make them more relevant to contemporary needs. (Kreimer, 2003)

At the Special OAS Conference on Security in October 2003, member states issued a declaration recognizing that “Conflict prevention and the peaceful settlement of disputes *between states* are essential to the stability and security of the Hemisphere.”(OAS, 2003: II.4; emphasis added) While reaffirming the role of the UN Security Council as the primary organ responsible for international peace and security, they reaffirmed that the OAS “should make every effort to achieve the peaceful settlement of local disputes.”(Ibid.: II.4.z) The Declaration also committed members to strengthen efforts to address the political, economic and social dimensions of insecurity. It mandated the Committee on Hemispheric Security to coordinate these activities, and recommended that the General Assembly strengthen the Secretariat’s capacity in this domain.

Measures such as CSBMs could have a significant impact on the prevention of inter-state violence. Yet there is still no clear consensus on the scope and content of the wider hemispheric security agenda. Member states such as Argentina, Brazil, Mexico and the US—each for their own reasons—have misgivings about extending the scope of an already burdened agenda to cover new issues. The hardening of US policy in the aftermath of 9/11 has complicated consensus-building.(Soriano and Mackay, 2003)

The November 2004 Conference of Ministers of Defense of the Americas (CMDA) reaffirmed commitments undertaken at the Special Conference on Security, including the need to address security threats while respecting democracy, human rights and the rule of law. It led to an agreement to enhance regional cooperation within UN peacekeeping operations, with a focus on capacity-building for increased inter-operability of member states’ forces.(CMDA, 2004) Nonetheless, the US focus on terrorism, transnational organized crime and weapons of mass destruction, and its opposition to the mention of international human rights and humanitarian law in certain passages, buttresses certain NGOs’ concerns that the CMDA and broader security cooperation could undermine law-based human security approaches in the hemisphere. (WOLA, 2004c)

The US-Cuba dispute is another pending challenge for the pacific settlement of disputes. Though it has been a low-intensity conflict for two generations, this last major leftover from the Cold War could easily escalate into war in the coming years. Indeed, domestic conflict during a change of leadership in Havana and the Bush Administration’s stated desire to see “regime change” could converge to generate open warfare. The inability of the OAS to deal with the US-Cuba conflict since the expulsion of Cuba over 40 years ago does not put it in a strong position to act as a third-party mediator. Yet other international organizations, including the UN, do not have impressive records of managing armed conflicts between the US and its neighbours either.(Baranyi, 1995) This is a major, urgent gap in the conflict prevention infrastructure that is emerging in the Americas.

The protection of human rights

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Two institutions sit at the core of what some observers call the “inter-American human rights system”: the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights. Other important components of this system include national institutions such as human rights commissions and ombudspersons, national human rights NGOs, and sub-regional human rights mechanisms.

The Court hears and adjudicates cases of individual human rights violations. The Commission is essentially an authoritative fact-finding body: since 1960 it has received and investigated thousands of individual cases of human rights violations; observed and reported on numerous country situations and thematic concerns; carried out many on-site visits and reported on the same; made detailed recommendations to OAS member states on measures that could contribute to the protection of human rights; submitted cases to the Court and made submissions to the Court’s litigation processes.

In an original analysis of the Commission’s work, Oswaldo Kreimer cogently argued that these measures contribute to conflict prevention.(2003) The Commission’s watching briefs on countries where there are patterns of systemic human rights violations are an authoritative source of early warning information and awareness. By taking up individual

cases of grave human rights violations that national authorities have failed to handle adequately, the Commission helps foster legal redress thereby defusing social tensions that could lead to armed conflict. By acting as a focal point for international pressure on member states, with regards to individual cases, country situations or thematic concerns, the Commission also helps defuse conflicts that could lead to violence. Kreimer cites several examples of how this has worked in practice, including the one in box 2 below.

Box 2: The IACHR and Guatemala in 1995

- April 1994: Government Armed Forces harassment of the Communities of Population in Resistance (CPR) threatens to derail UN-mediated peace talks.
- May 1994: IACHR sends fact-finding mission to Guatemala. IACHR report recommends concrete measures to defuse crisis, including redeploying Armed Forces troops stationed close to the CPR, as well as extending legal recognition, and economic and social assistance, to the communities.
- June 1994: Government of Guatemala accepts key recommendations.
- This helps keep a delicate process of refugee return on track, and helps pave the way for the deployment of the UN Human Rights Verification Mission in Guatemala (MINUGUA).

Sources: IACHR, 1994; Baranyi, 1996; Kreimer, 2003.

There are several obstacles to the effectiveness of the IACHR as a conflict prevention mechanism. The first is resources: the Commission's declining budget almost forced it to cancel its General Assembly in October 2004. (IACHR, 2004) This state of affairs is hardly conducive to systematic early warning or conflict prevention awareness-raising. The second challenge is (also) political. Kreimer argues that "the reluctance of OAS political bodies to assume and respond with their own strength to the denunciations by the IACHR is probably the major obstacle to the full use of its value as a conflict prevention mechanism." (Op.cit.: 274)

Recent OAS involvement in Colombia reminds us that the coordination of human rights and conflict prevention instruments is a complex undertaking. In January 2004 then OAS Secretary-General César Gaviria accepted the Colombian government's

invitation to verify emerging peace accords and particularly the demobilization of the paramilitary Autodefensa Unidas de Colombia (AUC). Under pressure from NGOs, in February 2004 the OAS Permanent Council approved the agreement but added a mandate for human rights verification and advice by the IACHR. (Human Rights Watch, 2004) The OAS established a Mission to Support the Peace Process in Colombia (MAPP-OEA) and the IACHR intensified its monitoring of human rights issues. In December 2004 the Commission reported despite progress on the demobilization of AUC combatants, "demobilization mechanisms have not been accompanied by comprehensive measures to provide relief to the victims of the violence nor to clarify the many criminal acts that remain unpunished, and *therefore the factors generating the conflict in large measure persist.*" (IACHR, 2004b: i. Emphasis added.)

Yet one month later the Acting OAS Secretary General reported his "satisfaction" with the demobilization of the AUC, without even mentioning concerns by the IACHR and others that this process was not being accompanied by effective measures to eradicate impunity for crimes against humanity. (OAS, January 2005) These ambiguities reinforce the determination of IACHR officials to maintain their independence from the OAS political machinery, a tendency which also mitigates possibilities for effective coordination.

A striking gap in the official inter-American discourse at the interface of human rights and conflict prevention is its silence on the "responsibility to protect" (R2P). In December 2001 the International Commission on Intervention and State Sovereignty released a seminal report arguing that, when states fail to protect their citizens from grave violations of human rights such as genocide, the international community has the duty to act, by whatever means necessary, to protect vulnerable populations. (ICISS, 2001a) The language of R2P is gradually seeping into the UN lexicon through statements by the Secretary-General. The recent report of the UN High-Level Panel may advance this process, which has yet to be endorsed by the Security Council or the General Assembly. (United Nations, 2004). In Africa, the African Union enshrined the responsibility to protect in its Constitutive Act. It is also establishing an African Standby Force to enable it to respond earlier and more effectively to humanitarian tragedies such as the one unfolding in Western Sudan. (Powell and Tiekou, 2004a and 2004b)

In contrast, R2P has received little official support in Latin America and the Caribbean. This is rooted in historic fears that R2P could legitimize renewed US military intervention in the region. Several regional consultations with government and civil society interlocutors confirm the depth of these historic concerns. They underscore the preference for non-military measures to protect democracy and human rights. Yet, they also indicate an emerging willingness to find better ways of balancing the principles of non-interference with the responsibility to act in the event of massive human rights violations. They suggest that regional support for such measures will be conditioned on the carefully-circumscribed multilateral use of force as a last resort, under the aegis of the UN, and linked to more effective strategies for both postwar reconstruction and early structural conflict prevention.(ICISS, 2001b and Fund for Peace, 2002; Fuentes, 2003)

It seems important to ascertain how these views have been affected by the US-led intervention in Iraq in 2003, and by the US-supported change of regime in Haiti in 2004. It is worth noting that the Latin American and Caribbean Regional Conference on Civil Society and Conflict Prevention, in June 2004, did not even mention the concept of R2P or explore the possibility of strengthening mechanisms for the use of force to protect populations at risk of grave human rights violations in the Americas.(CRIES, 2004)

The defense and promotion of democracy

Over the past decade and a half the OAS has developed a two-pronged strategy to foster democracy. The punitive prong involves diplomatic mechanisms to react to, sanction and engage severe challenges to democratic rule. The constructive prong involves technical assistance to promote democratic institutions and a democratic culture. This strategy began to take shape in the early 1990s, once the initial transition to democracy had taken place in most previously authoritarian Latin American states. OAS Resolution 1080 of 1991 was a minimalist document that opened the door to specific OAS diplomatic actions in the event of a “sudden or irregular interruption of the democratic political institutional process or of the legitimate exercise of power by the democratically elected government in any of the Organization’s member states ...”(OAS, 1991) The

conditioning principle for these actions was that they had to be carried out “with due respect for the principle of non-intervention.”

In 1992, member states adopted the Protocol of Washington specifying mechanisms for responding to threats to democracy. It gave the OAS General Assembly a mandate to suspend countries when diplomatic initiatives were unsuccessful in securing an end to interruptions of the democratic process.(OAS, 1992a) The Declaration of Nassau adopted the same year gave the Organization a clearer mandate to provide assistance, when requested by member states, “to build, preserve, and strengthen representative democracy”, thus providing a firm normative basis for the Unit for the Promotion of Democracy.(OAS, 1992b) The democracy clause adopted at the Quebec Summit of the Americas further advanced these norms.(2001) These documents have also included clauses on the need to address extreme poverty, inequality, macro-economic instability and other socio-economic problems in order to consolidate democracy in the Americas.

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The Inter-American Democratic Charter coincidentally adopted on September 11, 2001, further strengthened these instruments. It added new elements: the notion of a “right to democracy” and the obligation of governments to promote and defend it; further expansion of the diplomatic mechanisms the OAS can use to censure and engage states where a serious interruption of democratic rule has occurred; further specification of the norms for electoral observation and democracy assistance by the OAS; clearer references to the need to take into account and promote the contributions of civil society, as well as to promote the equal participation of women in democratic processes.(OAS,2001)

Yadira Soto has argued that the Democratic Charter “gives priority to the strengthening of democracy within countries as a strategic component for the defense of security as well as the prevention of conflict, both at the inter and intrastate level.”(Soto, 2004: 229) Yet the only explicit mentions of “prevention” in these OAS documents are the clauses regarding the Organization’s obligations to prevent disputes *between states*. Moreover the focus on interruptions to constitutional rule excludes consideration of human rights violations or other forms of conflict as potential

precursors to armed violence. The uneven application of these mechanisms in practice—illustrated by the snapshots of OAS action in Peru in box 3—begs questions about whether the defense of democracy regime is truly a strategic component of conflict prevention in the hemisphere.

Box 3: Defending democracy in Peru?

Act 1: 1992-1993

- April: President Fujimori suspends key articles of the Constitution and installs a Government of Unity, Emergency and National Reconstruction.
- OAS Secretary-General convenes ad hoc Meeting of Foreign Ministers. Foreign Ministers deplore the measures and call on Peru to show clear progress towards the restoration of democracy.
- May: At OAS General Assembly, President Fujimori promises to convene an elected constitutional assembly. Peru is readmitted to the OAS.
- October: OAS Mission arrives to provide technical assistance and prepare the ground for observing the elections.
- November: Elections boycotted by major parties but OAS accepts results.
- December: OAS terminates Ad Hoc Meeting of Foreign Ministers on Peru.
- A new Constitution is prepared by the Democratic Constituent Congress and is approved by a majority of voters on 31 October 2003.
- Analysis: “State sovereignty prevailed over any substantive conception of democracy or human rights, and the OAS closed the file on Peru.”(Baranyi, 1995: 356) The Fujimori regime's compliance with international financial institutions' debt management demands, and its embrace of market-oriented reforms, reinforced this tendency.

Act 2: 1999-2001

- 1999: IACHR issues reports criticizing systemic violations of human rights in Peru, and government withdraws from jurisdiction of Inter-American Court on Human Rights. No reaction from OAS Secretary-General, Permanent Council or General Assembly.

- November: Government requests OAS electoral observation.
- May 2000: OAS Mission criticizes “serious irregularities” in first round. After negotiations, Mission leaves country saying conditions for free elections do not exist.
- June-July: National Electoral Council declares President Fujimori winner in second round. OAS General Assembly appoints High-Level Mission to review the situation and recommend measures. Mission visits Peru and meets with range of stakeholders to foster change. President Fujimori inaugurated without any substantive concessions.
- November: Fujimori regime crumbles due to scandals.
- April 2001: President Toledo elected in free and fair elections.
- Analysis:
Over the decade of Fujimori's Presidency, there were clear signs of weakness and hesitation of OAS intervention ... When reports by the IAHCR described the network of mechanisms that was increasingly violating human rights ...there were neither clear condemnations by the political bodies nor effective actions by the Secretary-General ... It was only when Minister Eduardo Stein, chief of the electoral observation mission, took the courageous step to leave the country ... that the OAS ... began to respond in a more effective ... way.(Kreimer, 2003: 265)

However, the OAS has developed significant capacities to promote structural prevention through its democratic institution-strengthening and peacebuilding programs. In 1991 the OAS established the Unit for the Promotion of Democracy (UPD) to provide a vehicle for the constructive prong of its democratic development strategy. By 2001 the UPD had established four main programs: technical assistance to electoral processes; other democratic institution-building; strengthening capacities for national dialogue; and field missions. Through these programs it has had a substantial field presence in Colombia, Haiti, Guatemala and Nicaragua. In late 2004 the UPD was dissolved and its functions were integrated into a new Department of Democratic and Political Affairs.

In Guatemala from 1996 to 2003, the UPD managed a major culture of dialogue program called PROPAZ. This program aimed to strengthen the capacities of governmental and civil society organizations to engage in constructive dialogue on issues that were central to the implementation of the peace accords. In its first phase it provided extensive training and accompaniment to government and civil society negotiators in the mixed commissions, particularly those dealing with critical issues such as land and education. In both sectors, PROPAZ contributed to the identification of policy options, their translation into new laws, and to the establishment of new national institutions. In its second phase, PROPAZ focused on capacity-building for local conflict resolution. In 2003 the OAS handed the program over to a new national entity, Fundación ProPaz, laying the bases for the sustained provision of conflict prevention services in Guatemala.(Soto, 2004)

These are significant accomplishments. They led to demand, by other Central American governments, for the extension of the OAS dialogue program at the sub-regional level. Yet it is important to recognize the limitations of this initiative, namely that its conflict prevention impact was undermined by wider forces in Guatemalan society. For example, the training provided to government and indigenous peoples' representatives in the Mixed Commission on Land (COPART) enabled them to negotiate several impressive draft laws. However, only one of these bills was passed by Congress. That law enabled the creation of a Land Fund (FONTIERRA). Yet that entity has faced major challenges, particularly with regards to its budget, because the state could not provide the share of funding it was supposed to deliver under the peace accords. The state was unable to do so because it was unable to implement the tax reforms that were central to peace implementation, due to resistance by elements within the government, the private sector and the middle classes. Moreover, the other draft laws negotiated in COPART—for example, for the establishment of a national cadastre and a separate agrarian jurisdiction—were stalled in Congress due to resistance by the then-dominant FRG party and its private sector allies. None of these political developments can be blamed on the OAS. Yet without significant movement ahead on these broader peace

humility and perspective are important when dealing with the challenges of conflict prevention in the Americas

implementation agendas, no amount of conflict resolution training and dialogue facilitation, for COPART or at the local level, could prevent the recurrence of armed violence over land tenure issues—as has been observed over the past two years.(MINUGUA, 2000, 2002, 2003)

This limitation may also apply to other UPD training and national dialogue capacity-building programs. Even in Nicaragua, where UPD conflict resolution training was linked to an impressive array of small-scale community development projects, their weak articulation to a viable rural development strategy severely limited the impact of OAS programming.(Bendaña, 2000) It is worth noting that one priority of the new OAS conflict resolution program in Bolivia is to foster strong linkages between national dialogue and structural reforms. This also reminds us that humility and perspective are

important when dealing with the challenges of conflict prevention in the Americas.

Other aspects of structural prevention

To put the role of the OAS in perspective, it is important to note that its budget for 2003 was just over US\$ 100 million.(OAS, 2004) In contrast, the annual lending budget of the Inter-American Development Bank (IDB) was just over US\$ 6 billion in 2003 in 2003.(IDB, 2004) Even with those resources the Bank faces challenges in contributing to conflict-

sensitive development in the Americas.

The IDB does not frame its policies explicitly in conflict prevention terms either. A key entry point for programming in this area is what the Bank calls “modernization of the State”. Under that rubric, the institution supports a range of reforms to strengthen the capacity of state entities to provide public goods that are seen as crucial for equitable and sustainable development. The four main areas for Bank programming in this area are:

- Strengthening democratic institutions.
- Fostering the rule of law and justice reform.
- Promoting synergies between states, markets and civil society.
- Enhancing public sector management.(IDB, 2003)

A scan of recently approved projects under this rubric (particularly in the conflict-affected countries of Bolivia, Colombia, El Salvador, Guatemala and Nicaragua) suggests that projects tend to cluster in the latter two areas. Only one project explicitly deals with conflict issues: a project on Alternative Mechanisms for Settling Property Disputes in Nicaragua.(IDB, 2004b) Yet many of the other projects, especially in the area of justice sector reform, may also have important conflict prevention outcomes.

The IDB's extensive portfolio of projects in other areas, including the wide range of projects aimed at the core priority of poverty reduction, may also have important conflict prevention aspects. This linkage is implicitly recognized in some Bank documents. For example the 1997 Strategy for Poverty Reduction recognizes that generating sustainable employment for the poor, and enhancing access to basic public goods such as education, health and safe water, "could go a long way towards reducing the social tension that results when the market economy fails to increase the income of the poor."(IDB, 1997) In September 2002, the IDB organized a high-level seminar to examine the links between development and security in the Americas. Participants examined non-traditional threats to security stemming from macro-economic volatility, incomplete social safety nets, the fragility of democratic institutions and the knock-on effects of 9/11. They expressed support for the multidimensional conception of security emerging in OAS circles.(IDB, 2002) IDB President Enrique Iglesias published an op-ed a few days later advocating a broad concept of "human security, conceived first and foremost as a development challenge", and suggested that the Bank would strengthen its programming on public security as well as its support for economic and social policy reforms. Key informant interviews and a detailed analysis of project documents would be required to ascertain the extent to which this notion of human security, or its correlate of conflict-sensitivity, are actually seeping into IDB programming as a result of these policy discussions.

This is not a casual observation. Although the logic of the IDB and other multilateral development banks is compelling, the key issue is whether the policies and

programs they promote/support actually help prevent conflict in practice. Indeed, deep questions are being asked about whether the market-oriented policies promoted by the Bank and other IFIs, in the Americas and beyond, may actually be aggravating the macro-economic volatility, economic inequalities and social exclusion that these institutions bemoan. As noted at the June 2004 Latin American and Caribbean Regional Conference on Civil Society and Conflict Prevention, at a minimum this suggests that the IDB and other IFIs should develop procedures to assess the conflict impacts of their actions.(CRIES, 2004)

Most recommendations made by Stremlau and Sagasti, in their seminal analysis of multilateral development banks' (MDBs) roles in conflict prevention, are still germane to the challenge of mainstreaming conflict prevention into IDB and other MDBs' processes. (1998) Their arguments about the need to significantly enhance debt reduction initiatives—to reverse the outflows of financing that are undermining state capacity and aggravating conflict in some least-developed countries—also remain relevant.

Similar questions could be asked about another set of processes that may have enormous impacts on conflict dynamics in the hemisphere, namely trade liberalization. In theory, the reduction of

barriers to trade at the sub-regional, hemispheric and global levels is supposed to lead to greater prosperity for all. At the November 2003 Trade Ministerial Meeting in Miami, officials "reaffirmed their commitment to a comprehensive and balanced FTAA that will most effectively foster economic growth, the reduction of poverty, development and integration through trade liberalization."(FTAA, 2003)

Yet some analyses of existing bilateral and sub-regional trade agreements suggest that neither greater prosperity for all, nor greater human security for all, can be taken for granted. An analysis of the impact of the North American Free Trade Agreement suggests that NAFTA is at least partly responsible for the increases in rural poverty and inequality in Mexico since 1994.(WOLA, 2004) Similarly, an analysis of the Central America Free Trade Agreement with the United States suggests that CAFTA will significantly undermine certain parts of the region's agricultural

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economy, and will do little to foster the enforcement of core labour standards in the region. (Ibid.) This could lead to significant job losses, rural-urban migration, labor-management strife and rural violence in conflict-prone countries such as Guatemala and Nicaragua. Vía Campesina and Coordinadora Latinoamericana de Organizaciones del Campo—two large social movements bringing together peasant, women's and indigenous peoples' representatives at the hemispheric and global levels—have also warned that further trade liberalization along the lines pursued to date would further endanger food sovereignty and aggravate socio-political tensions in the rural areas of many Latin American societies. (Baranyi et al., 2004)

From a conflict prevention angle, this reminds us that the distributional consequences of different trade liberalization options must be anticipated, and that adequate compensation programs must be developed to cushion the negative effects on particularly vulnerable populations such as small rural producers. It also suggests that trade liberalization policy options should also be rigorously examined through the prism of conflict-sensitivity. At the moment there do not seem to be any official mechanisms in place in the FTAA process for peace and conflict impact assessment of trade liberalization options. Which institution is best placed to house and foster such mechanisms is an urgent, if largely ignored, question facing the hemispheric trade agenda.

The Canadian Action Agenda on Conflict Prevention recommends that “Regional organizations, the United Nations, and indeed all international actors, must ensure that development programs adequately address the concerns of marginalized communities and groups.” (CPCC, 2004: 10) Clearly this logic should also be applied to debt reduction and trade liberalization processes, since these are also likely to have major impacts on patterns of economic development and on conflict dynamics in the Americas.

CONCLUSIONS

In the context of the Global Partnership for the Prevention of Armed Conflict (GPPAC), civil society organizations (CSOs) in North America, Latin America

and the Caribbean have been engaged in dialogue about the specificities of conflict prevention challenges and options in this hemisphere. This paper suggests five aspects of inter-American relations that could be the focus of common CSO engagement over the coming years.

First, it reminds us that the OAS has well-established mechanisms and a long trajectory of engagement in the peaceful settlement of inter-state disputes. A new hemispheric security agenda has injected energy into those institutions, particularly through the adoption of confidence and security-building mechanisms across the region. Yet that agenda has also generated new concerns: in the aftermath of 9/11, many are worried that new US national security policies are converging with tendencies in Latin America and the Caribbean to undermine human rights and human security. In addition, the longstanding conflict between the US and Cuba could escalate into armed confrontation in the near future, and neither the OAS nor the UN are credibly engaged in preventing that crisis. These are important issues for research and action by CSOs.

Second, the paper concurs with Kreimer that the existing inter-American human rights machinery could be a mechanism for early warning and prevention in intra-state conflicts. Yet the Commission on Human Rights and other instances are falling short of their conflict prevention potential due to resource constraints and political resistance by certain governments and occasionally by the Secretariat. Exerting pressure to strengthen the inter-American human rights machinery, give it more high-level diplomatic support and use it more effectively for early warning, could also be a priority for CSOs concerned about conflict in the Americas. (CEJIL, 2004)

An area where more discussion is needed among CSOs is the responsibility to protect. The paper reminds us that the history of US military interventions in Latin America and Caribbean makes many governments and CSOs in the region quite cautious about endorsing parts of the conflict prevention agenda that could legitimize international intervention in their affairs. US policies since 9/11 have made many stakeholders even more sensitive on this point. Yet this is an area where deeper dialogue between CSOs from the North and South could perhaps contribute to the evolution

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of norms and mechanisms with a view to bridging gaps in the international human rights architecture. Research could be a useful tool to promote informed dialogue on these issues.

Third, the paper explains how the OAS defense of democracy regime has become the region's preferred mechanism for responding to threats to democratic order—strictly through diplomatic measures. It agrees with Kreimer that the uneven application of these principles by the OAS, in countries such as Peru, has limited their potential as mechanisms for conflict prevention. It also underscores the consequences, for conflict prevention, of the narrow political-institutional character of the regime's triggering mechanisms. Similarly, while concurring with Soto that the Unit for the Promotion of Democracy (UPD) has initiated innovative and useful programs to foster democratic skills and attitudes, it suggests that the impacts of its programs are limited by the fact that they rarely tackle structural drivers of violent conflict such as profound inequalities in the distribution of assets. CSOs could address these issues through more critical yet still constructive engagement with the OAS and the broader defense of democracy regime.

Fourth, the paper documents the emergence of new thinking and programming on these issues in the Inter-American Development Bank. This international financial institution (IFI) is seldom discussed under the rubric of conflict prevention, in part because its policies are not framed in those terms. Yet the paper shows how IDB support for the “modernization of the State” and its broader poverty reduction programming could have significant conflict prevention impacts. It also reminds us that, at present, there are no mechanisms in place to track the conflict impacts of IDB programming.

A similar argument is made with regards to trade liberalization and debt reduction initiatives. In both instances, it seems important for CSOs to systematically examine the existing and potential impacts of economic policies and programs on conflict dynamics in vulnerable societies. It also seems important for specialized NGOs to work with the IFIs and trade negotiation bodies to promote the sensible

integration of conflict prevention into their programming procedures—from the design stage through implementation to monitoring and evaluation. This need has been partly recognized by Canadian as well as by Latin American and Caribbean CSOs active in the Global Partnership.

Finally, the paper raises questions about how these policies and practices could come together in a coherent approach to conflict prevention in the hemisphere. The need to integrate better early warning with better preventative diplomacy with more democratic development and pro-poor structural reform is recognized by all. It is implicitly enshrined in the constitutive documents of the OAS, and gets repeated, in different forms, in many inter-American meetings. Yet we are a long way from conflict-preventative policy coherence in the Americas. We need far less compartmentalization, and far more inter-institutional collaboration, to build

the conflict prevention infrastructure evoked by visionaries such as Lederach.(1997) It is also worth considering whether the appointment of an OAS Undersecretary-General with special responsibilities for conflict prevention might galvanize the energy needed to mainstream conflict prevention throughout the inter-American system over the coming years.

According to some critics, the deep tensions between different

agendas—for example between human rights and the war on terrorism, or between (asymmetrical) trade liberalization and structural conflict prevention—make it unlikely that the ideals of policy harmonization and conflict prevention will be fulfilled soon. That point of view is not easily translated into “actionable” policy options, but it also deserves serious discussion.

The recent emergence of CSO networks committed to conflict prevention provides a space where both actionable and deeper issues can also be addressed with clarity. It seems urgent for these networks to engage CSOs and officials working on more traditional development issues, such as trade and financing for development, to foster the synergies required to build a true culture of prevention in the Americas.

Yet we are a long way from conflict-preventative policy coherence in the Americas

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