

## **The Hijacking of the OAS**

*Remarks by Guillermo Cochez, Former Panamanian Ambassador to the Organization of American States, at the policy forum “A Populist Capture of the OAS?”, Cato Institute, February 19, 2013.*

On June 30th, 2009, as we celebrated Ricardo Martinelli’s victory and prepared for the Presidential Inauguration that was to take place on the following day, I had already been appointed as Permanent Representative to the OAS, and our work had already begun. In the midst of the celebration we were notified of the interest expressed by Manuel Zelaya, already ousted as the Constitutional President of Honduras, of traveling from Costa Rica, where he had been taken in his pajamas by the Honduran military, over to Panama in order to attend the Inauguration of the new President of Panama, while at the same time being given honors as President of Honduras. And this is what was done.

One must remember that, although Zelaya’s departure from power was an irregular act, his attempt to change the Constitution with logistical assistance by Venezuela in order to be reelected – a procedure already followed in the ALBA countries – put him in direct confrontation with the other branches of the government. In fact, when this situation emerged, Zelaya’s administration had not been paying the members of the Legislative Branch their salaries for seven months, and the Supreme Court had ordered that the constitutional referendum meant to allow the president’s reelection must not proceed, because that would be unconstitutional. The OAS then assumed the role of supporting Zelaya’s arbitrary pretensions stemming from its service as guarantor of the referendum by sending a mission to stand by the electoral process, something strange within the OAS, something with which that organization in some way ratified abuses of power by the Honduran government.

We called Secretary General Insulza so as to be apprised of the situation and to obtain more details concerning the General Assembly of the OAS that had been convened as of July 1<sup>st</sup> in order to gain knowledge of the matter. That GA was to be on July 4<sup>th</sup> for which reason I immediately took on my duties as Ambassador and flew to Washington to participate at that meeting in representation of my government.

Thus began my intense three and a half year tenure at the OAS, which I never imagined would turn into a permanent struggle to defend Democracy and prevent attacks against Human Rights, particularly against the Rapporteurship on Freedom of Expression. It was the first acid test for the ALBA countries, because one of its members, Honduras, under Zelaya, had lost power. This would be followed by other events, all acted out, directly or indirectly, by OAS members belonging to the ALBA group. Already at the General Assembly at San Pedro Sula in June of 2009, where I attended as a guest of the previous government of Panama, I saw how Venezuela’s Foreign Minister Maduro had led the discussion concerning the lifting of the sanctions that had been applied against Cuba in 1962 suspending it from the OAS, trying to pave the way for that Caribbean island without demanding any compromises in return. After long discussions, with participation

by the presidents of Nicaragua (and his alternate and wife, also the power behind the throne), Argentina and Paraguay, plus Zelaya, it was possible to approve that resolution by means of an agreement that would allow Cuba to enter the OAS provided it complied with the Democratic Charter.

Had it not been for Panama, always supported by Canada and Costa Rica, and in a very tepid way by the United States, as well as by Guatemala (during its previous government), by Colombia in the days of Uribe, by Paraguay (the previous ambassador was hardly ever present and did not belong to Lugo's party), by El Salvador in the days of Ambassador Mazza Martelly, who, thank goodness, returned to the OAS a few days ago, by Uruguay in the days of Tabaré Vázquez and by Peru in the days of Alan García, the hijacking of the OAS would have been perpetrated much sooner. I believe it is now irreversible, especially because Secretary General Insulza's interest is in Chile and his senatorial aspirations there and not at the OAS. During the time he has remaining he will try not to make any waves and not allow anyone to insult him or question him, something that frightens him and displeases him immensely and could potentially undermine his political aspirations.

Let us look at these cases in a little more detail.

1. The Case of Honduras. (almost two years before the suspension ended)
2. Colombia's denunciation concerning the presence of FARC camps on Venezuelan territory. July of 2010.
3. Nicaragua's intervention in Costa Rica. The San Juan River problem in 2010.
4. Attacks by ALBA against the Rapporteurship on Freedom of Expression
5. The case of Julian Assange brought by Ecuador.
6. Venezuela's departure from the Inter-American System.
7. Attempt to suspend Paraguay from the OAS, suspension of Paraguay from Mercosur and the entry by Venezuela into that forum.
8. Venezuela's institutional crisis of January 10<sup>th</sup>.

At first glance we realize that the political agenda of the OAS has been taken over by matters of interest to ALBA and its constant effort to diminish the OAS.

1. Honduras

In this case one only has to remember that Foreign Minister Maduro, with a megaphone in hand, along with Zelaya at the wheel of a pickup truck, tried to aid and abet Zelaya's return to Honduras by way of the Nicaraguan border. In addition to the ALBA countries

there was help from other countries. Zelaya finally entered into Tegucigalpa, taking refuge at the Brazilian Embassy, maybe even with President Lula's previous knowledge, upon request by President Chávez. They came to believe that this way Zelaya would return to power by virtue of already being on Honduran territory. A little agitation brought about his return. For this reason it was Brazil, without being a part of ALBA, who together with Argentina, would object the most to lifting Honduras' suspension from the OAS. Both joined the ALBA chorus in order to prevent Honduras' return to the OAS. I remember that at that moment commercial trade between Argentina and Honduras was non-existent. The process of lifting the sanctions against Honduras and its suspension lasted 20 months, which was accomplished through mediation by Venezuela and Colombia. I have no doubt but that this resulted in Honduras being neutralized at the OAS.

During this process Panama characterized itself by pointing out the double standard that existed in some countries for judging cases such as that of Honduras and the human rights violations that were being attributed to it, thus ignoring denunciations of violations in their own countries, as was the case with the 2010 Report on those violations occurring in Venezuela, which brought about its attacks against the OAS and particularly against the Executive Secretary of the Human Rights Commission, Santiago Cantón, whom President Chávez went so far as to call "a human excrement." My speech of December 4<sup>th</sup>, 2009 at the Permanent Council was seen and heard on YouTube by more than a million people.

2. Colombia's denunciation concerning the presence of FARC camps in Venezuela resulted in the resignation of the President of the Permanent Council, Ambassador Proaño of Ecuador. As is usual and customary, every country may request the inclusion of a topic at the next session of the Permanent Council and its President has to include it. Proaño received pressure from his government and from ALBA to delay the matter and upon his refusal to comply with his government's order, he resigned with great dignity. Remaining was the Vice President, Ambassador Maza Martelly of El Salvador, who despite all the pressure, convened the session.

In a well documented presentation, Colombia proved with graphics, maps and photographs the presence of guerrilla camps on Venezuelan territory, which was being used, with the connivance of its government, as a safe haven for the misdeeds of the FARC. In response to the non-acceptance of Colombia's denunciations by Venezuela, who repeated the hackneyed refrain that his government was being attacked for being so revolutionary, Panama requested that an Investigative Committee be assigned to determine the veracity of the denunciation. That was the first time I realized that Foreign Minister Maduro had complained to my Foreign Office concerning our actions. Merely mentioning Venezuela was reason enough to annoy the Venezuelans.

3. Nicaragua's intervention in Costa Rica.

By October of 2010 Daniel Ortega needed to find a justification for changing his country's Constitution, which was preventing his reelection as President. It occurred to

him to create an incident with his neighbor Costa Rica, revisiting old squabbles concerning sovereignty over the San Juan River, which separates the two countries. Thus when the river was being dredged, Nicaraguan soldiers invaded Costa Rican territory. Costa Rica took the matter to the OAS, and very astutely, its Foreign Minister, Enrique Castillo, then Ambassador at the OAS, left Nicaragua with no room to argue. ALBA was of little help to Nicaragua, but was not of much help to Costa Rica either. Nevertheless, in the discussion of a resolution calling for a General Assembly to deal with the issue, the Bolivian ambassador decided not to vote against either of the two parties, saying that his vote was “NO VOTE,” which cost him his seat. Insulza traveled to the place of the incidents and proved what had been denounced by Costa Rica. The International Court at The Hague ruled that both had to remove their armies from the area of conflict, which turned out to be a victory for the Costa Ricans, because they have no army.

Nevertheless, Daniel Ortega, attained his goal. He was re-elected in 2012, in elections that were severely questioned by the OAS, under the command of Dante Caputo. As always, nothing was discussed, much less any questioning of the legal and unconstitutional antecedents that brought Ortega to power.

#### 4. Attacks by ALBA against freedom of expression.

Led by Ecuador, the Rapporteurship on Freedom of Expression has been severely attacked and it is being accused of serving the interests of the United States.

These protests reached their climax with the 12 million dollar fine levied by Ecuador’s courts of law against the daily El Universo and its board of directors for having published news that President Correa deemed to be offensive and slanderous. These fines resulted in a worldwide chain reaction and several communiqués from the Rapporteurship on Freedom of Expression of the Inter-American Commission on Human Rights. Worldwide repudiation was such that the President of Ecuador found it necessary to pardon them.

In any case, that country’s Foreign Minister came to the Permanent Council of the OAS to rant and rave against the aforementioned Rapporteurship, accusing the Inter-American Commission on Human Rights of being at the service of the United States. I found it necessary to intervene, because the claim that the IACHR was submissive to the United States was an insult to the member states who respect the work of the IACHR. I reminded him of the meaning of freedom of expression, and also reminded him of his own words following Panama’s offer of asylum to Alfredo Palacio, director of El Universo, that “now all common criminals from Ecuador will be asking for asylum in Panama.” I said to him that when you insult Panama in that manner, that is an insult against respect you might have for your own freedom of expression. The foreign minister again asked for the floor and tried to attenuate what he had said before.

5. The Assange case resulted in another meeting of the GA upon Ecuador’s request. That country intended to have the OAS condemn Great Britain for its refusal to turn over to the authorities Julian Assange, a fugitive from Swedish justice accused in that country – famous for its judicial impartiality- of sexual crimes. The bilateral matter remained as it

was. By absolute majority of the OAS, although it stood in favor of having both parties resolve the matter between themselves, nothing was said about any condemnation against the British government, as Ecuador had intended. In the judgment of experts, it was a defeat for that country to have taken this matter before the OAS. Even though I was not present at that Assembly, upon instructions from my Foreign Office, we were very harsh toward Ecuador. There was a matter pending against the President of that country for wanting to classify Panama as a tax haven. All because Panama has refused to give any information to Ecuador about accounts belonging to Correa's currently estranged brother,

6. In 2012 Venezuela announced its departure from the Inter-American Human Rights System and denounced the American Convention that had created the Inter-American Court of Human Rights. Several threats had been made in this respect in a manner repeated by its representatives. For years they have prevented in situ visits by the Commission and by its Executive Secretary, Santiago Cantón, on repeated occasions even insulted by President Chávez himself. All other members accepted such visits.

During the discussion of the 2012 OAS budget Nicaragua and Venezuela abstained from supporting an increase of 500,000 dollars approved by the Court as well as by the Commission maintaining that this money would be used for attacking countries such as theirs, showing mistrust as to how those increases would be utilized. We could not let those attacks go by because they suggested mismanagement of funds belonging to the Inter-American system, a matter of disrespect for those of us who believed in them as well as for observer countries that voluntarily contributed on their own behalf. No one else questioned this matter.

During the discussions on strengthening the Inter-American system ALBA has assumed the role of being an obstacle. Their intention is to weaken the Commission and diminish the independence with which the Rapporteurship on Freedom of Expression has functioned. Even though up until this moment this objective has not been met, 2012 will be the decisive year for this negative objective to materialize.

7. In the case of Paraguay, before being brought before the OAS, this country was targeted for suspension by UNASUR and by the MERCOSUR trade forum. This rapid decision sought to isolate Paraguay within the OAS, as had occurred with Honduras following President Zelaya's separation. Even though as a country it did not belong to ALBA, its President, Fernando Lugo, was partial toward them. The situation brought about by suspending Paraguay from MERCOSUR served as an opportunity to bring Venezuela into this forum through the back door. Up to this moment Venezuela's entry into MERCOSUR had been blocked by the Paraguayan Congress, which was not controlled by Lugo.

This time, under Insulza's rapid action, there was an attempt to learn from the elections produced by the handling of the crisis with Honduras. Those affected by a suspension are not the political class but rather the people themselves. Immediately a Commission was sent to Paraguay and a Mission for the Observation of Elections was appointed, presided over by former President Oscar Arias to pave the way for elections this coming April.

Meanwhile Paraguay is still part of the OAS, but continues to be suspended from UNASUR and from MERCOSUR. Furthermore, under threats by Argentina and others, Paraguay was not invited to the Cadiz Summit last November.

8. Venezuela's institutional crisis produced by Chávez not being sworn in on January 10<sup>th</sup> for his next term of office, was ratified by Insulza without anybody asking him to do so. Without a doubt, according to all legal experts, Nicolás Maduro has illegally assumed a new term as Vice President, because, given the absence of the President of the Republic, the person who was supposed to be there as such was the President of the National Assembly, Diosdado Cabello.

On the day of my dismissal, only Canada asks for the appointment of an OAS Investigative Commission to go to Venezuela to verify what is happening there, and Paraguay which states that just as they accepted the fact that they had a crisis following Lugo's removal, Venezuela should accept the fact that they have a problem. Insulza immediately dismisses Canada's petition and the Venezuelan government accuses them of interfering in its internal affairs.

The conspiratorial silence was shameful that day at the OAS. Even more so when the United States delegation spoke out saying that its country would respect Venezuela's constitutional order, something similar to what Insulza had said, in other words, disregarding the presence of anything irregular in that country.

#### CONCLUSIONS:

1. It is evident that the political syllabus of the OAS in recent years has been dominated by the ALBA countries. Their next step, with Insulza's eventual departure, is to take over the entire OAS. They will thus make it inoperative in this field. The candidate who has thrown himself into the ring, Eduardo Stein from Guatemala, does not stand a chance. Even though they are not a part of ALBA, judging by their behavior at the OAS, they are supportive of its policies: I am referring to Brazil and Argentina, both without a Permanent representative for more than two years. Now they are being joined by Uruguay, formerly very guarded about its independence within the organization. The finances of the OAS grow increasingly worse and this group's power makes it more dramatic. Toward the end of 2011, the OAS did not even have enough money to pay the salaries for the second half of December. It was necessary to borrow more than three million dollars from the sacred scholarship fund. The reason: Venezuela and Brazil together were owing more than 10 million in overdue assessments. Finally Brazil made payment and Venezuela arranged for payment on terms. All of these situations should have placed more pressure in answer to Insulza's lack of decisiveness in taking a stand on certain critical issues, especially when the representative from his country of Chile has allowed everything that happens at the OAS as if it had nothing to do with him, despite the dictatorship that country experienced and the democratic nature of its current government.

2. The fourteen Caribbean nations constitute the most important bloc in the OAS. This group, owing to the influence Venezuela wield over the area going back to the times of President Herrera Campins and the presence that Brazil has developed in the area, everyday leans more toward ALBA and less toward the United States, with the exception of the Bahamas and Jamaica. They are only interested in the part of the scholarships that pertain to them, the appointment of officials from their countries to OAS posts, and having the Adjunct Secretary General be drawn from their ranks. The entire group pays less than 8% of the Organization's dues, but they have 41% of the votes.

The Continent's political circumstance is not of their interest, nor do they want to know about it; they feel it does not affect them. Their power was already demonstrated when in 2011 at the General Assembly held in San Salvador out of the four, their two candidates were elected for the IACHR, which weakens this commission because they are not knowledgeable about our judicial ordinances. Toward the end of last year they moved up though a victory at the Pan American Health Organization, through the candidate from Dominica. Their strength lies in the fact that they always try to vote as a bloc.

3. Brazil and Mexico do not play a decisive role in political matters. They will not do anything to defend democracy on the Continent; they will say that they have enough to do inside their own countries. Nevertheless, as for human rights, Mexico demonstrated its commitment in their defense during the Presidency of the Permanent Council, held during the last quarter of 2012 by Joel Hernández, who also presided over previous tasks discussing the strengthening of the IACHR. I believe Mexico will put up a fight aimed at preventing the Inter-American system of human rights from growing weak even though I do not believe that, with the exception of Canada and Costa Rica, Mexico will find much support against the pounding that will be dealt by the ALBA countries and their allies aimed at weakening its influence, particularly in matters of freedom of expression. Brazil's influence might even determine the decision by the United States not to support the re-election to the IACHR of Dinah Shelton, Rapporteur for Indigenous Peoples and promoter of the precautionary measure against the Bello Monte dam in Brazil and who was so annoying to that government.

Colombia and Peru, even though they have democratic governments, will not assume the role they once played during the governments of Álvaro Uribe and Alan García.

4. Repeatedly, ALBA members had said that the OAS's role of watching over their political systems must stop because "all" of the democracies on the Continent are stable. Now what needs to replace the political is the economical so that our people can rise above the stage of being developing nations. Based on that, they see no problem whatsoever having Cuba now presiding over CELAC and that is why they put up such a resistance at the Summit of the Americas in Cartagena in order to have Cuba's presence accepted even though it had not adhered to the principles of the Democratic Charter.

5. The US position is regrettable. Last November four leading senators, Kerry, Menendez, Rubio and Lugar harshly criticized Insulza's governance, and even though they were not saying anything new besides what Panama had already denounced, they

produced no echo whatsoever for the simple reason that the US representation at the OAS failed to follow through. Moreover, upset over the content of the missive evidently prepared by the US Mission to the OAS, an angry Insulza, as he is inclined to do, insulted Ambassador Lomellyn in front of everybody. The US announced that they would take the matter to the Permanent Council but we are still waiting. For countries that celebrate Carnival it was like the fireworks that never exploded. It simply fizzled.

US leadership at the OAS dissipates by the day, not only for lack of participation by its delegation, but rather because it would seem that the State Department's policy is to diminish the importance of this forum. Today Canada shows more leadership at the OAS than does the US, whose position on January 16<sup>th</sup>, that of supporting compliance with the constitutional order in Venezuela was tantamount to ratifying Insulza's position, because all agree in stating that ever since January 10<sup>th</sup>, when Chávez was unable to be sworn in, that country has been living on the fringes of what is established by its Constitution. Someone made a comment to me that on that day it was demonstrated that extreme positions end up coming together in the end, in reference to Venezuela and the US.

Ever since the departure of the Chilean-American Arturo Valenzuela from the State Department, US relations with the OAS are practically non-existent. Insulza, as was his intention, did not succeed in having President Obama make an appearance at the OAS to plant the tree that would mark the beginning of the second centennial of the majestic building, as was done by President Taft in 1910. Nor did he succeed in having Hillary Clinton speak before the Permanent Council. We never met Roberta Jacobson, Valenzuela's replacement at the State Department.

It is evident that given this scenario, the defense of democracy will be relegated to the defense of the "different democracies," as Cuban Foreign Minister Bruno Rodríguez has recently dubbed the democracy that exists in Cuba where only 612 persons can aspire to gain the 612 seats at his Legislative Assembly.

In addition to being without resources, the defense of human rights will be without countries that would defend them tooth and nail from ever fiercer attacks coming from the ALBA countries. Enforcement of human rights will continue to diminish.

In any case, the countries who have hijacked the OAS will end up annihilating it, because I doubt that the country that hosts the organization and finances 60% of its operations will continue to play this unexplainable role that it has played during the three and a half years that I was at the OAS..

I do not believe that to be the OAS that our nations deserve, with all their hopes for democracy. Something has to be done and it is urgent.

The OAS has excellent programs in education, development, science and technology, the war on drugs and terrorism, justice and many more for which for which I would need to speak to you for another hour on the diverse world that is the Organization and its impact on the region. Nevertheless, its political face is what most affects its reputation and the

one that most reflects its successes and failures. It is the only face that its detractors aim to destroy.

The Secretary General's lack of leadership is so evident that he doesn't even have a good Press Secretary to handle relations with the media. This person, whom he appointed, is from Chile and speaks no English. There is no cordial relationship with the Assistant Secretary General. Everyone performs according to his or her degree of competence. While he has reduced his personal appointees from 12% down to 4%, many of those remaining are in their positions due to their friendship with Insulza and not because of their professional record. The lack of funds is forcing many officials to leave the OAS. Nobody feels secure at the OAS, which results in confusion and a lack of interest by employees within the organization, even those loyal to Insulza, who are in the minority.

Before we lose everything the OAS has to offer to the hemisphere, we must realize that if its commitment to democracy should crumble, everything else will slide down that same path.

Even though it is a little late, we can still avoid this process of the complete hijacking of an organization as important as the OAS.

THANK YOU.