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Organization of American States: Background and Issues for Congress

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Summary

The Organization of American States (OAS) is a regional multilateral organization that includes all 35 independent countries of the Western Hemisphere (though Cuba currently does not participate). It was established in 1948 as a forum in which the nations of the hemisphere could engage one another and address issues of mutual concern. Today, the OAS concentrates on four broad objectives: democracy promotion, human rights protection, economic and social development, and regional security cooperation. It carries out a variety of activities to advance these goals, often providing policy guidance and technical assistance to member states. The United States is the largest financial contributor to the OAS, providing an estimated $68 million in FY2017—equivalent to 44% of the organization's total budget.

U.S. Policy

The United States historically has sought to use the OAS to advance economic, political, and security objectives in the Western Hemisphere. Although OAS actions frequently reflected U.S. policy during the 20th century, this has changed to a certain extent over the past 15 years. The organization's goals and day-to-day activities are still generally consistent with U.S. policy toward the region, but the U.S. government has struggled to obtain support from other member states on some high-profile issues, such as efforts to address the political crisis in Venezuela.

As the OAS's decisions have begun to reflect the increasing independence of its member states, U.S. policymakers occasionally have expressed concerns about the direction of the organization. In recent years, some Members of Congress have criticized the OAS for failing to address the erosion of democratic institutions in Venezuela and other nations and have questioned whether the United States should continue to fund the organization. Others argue that the OAS remains an important forum for advancing U.S. relations with the other nations of the hemisphere and that U.S. policy should seek to strengthen the organization and make it more effective.

Congressional Action

The 115th Congress has continued to shape U.S. policy toward the OAS through its legislative and oversight activities. The Consolidated Appropriations Act, 2017 (P.L. 115-31), provided funding for the U.S. assessed contribution (membership dues) to the OAS, as well as $14.5 million in voluntary contributions to support the organization's anticorruption, human rights, democracy, and development assistance programs. Congress has yet to conclude action on FY2018 appropriations, but the House and Senate Appropriations Committees both have recommended providing voluntary contributions to the OAS in the reports (H.Rept. 115-253 and S.Rept. 115-152) accompanying their respective FY2018 foreign operations appropriations bills (H.R. 3362, included as Division G of House-passed H.R. 3354, and S. 1780). In November 2017, the Multilateral Aid Review Act of 2017 (S. 1928) was reported in the Senate and a companion bill (H.R. 4502) was introduced in the House. The measures would establish a multilateral review task force to assess the effectiveness of U.S. investments in the OAS and other multilateral institutions.

Congress also has held hearings to examine U.S. policy toward the OAS. On November 30, 2017, the Senate Committee on Foreign Relations held a hearing to consider President Trump's nomination of Carlos Trujillo to be the U.S. Permanent Representative to the OAS. The committee reported the nomination favorably, but Trujillo has yet to receive a confirmation vote from the full Senate. On February 14, 2018, the House Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, held a hearing on "Advancing U.S. Interests through the Organization of American States."

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Introduction

The 115th Congress has continued to debate the role of the Organization of American States (OAS) in the Western Hemisphere and its utility for advancing U.S. objectives in the region. The United States helped found the OAS in 1948 to establish a multilateral forum in which the nations of the hemisphere could engage one another and address issues of mutual concern. In subsequent decades, OAS decisions often reflected U.S. policy as other member states sought to maintain close relations with the dominant economic and political power in the hemisphere. This was especially true during the early Cold War period, when the United States was able to secure OAS support for initiatives that were controversial in the region, such as a 1962 resolution to exclude Cuba from active participation as a result of its association with the communist bloc. OAS actions again aligned closely with U.S. policy in the 1990s following the end of the Cold War as a result of strong consensus among member states in support of initiatives designed to liberalize markets and strengthen democratic governance.[1]

According to many foreign policy analysts, the ability of the United States to exert authority and shape outcomes in the Western Hemisphere has declined over the past 15 years.[2] This is the result of a number of trends. Citizens throughout Latin America and the Caribbean have elected ideologically diverse leaders, bringing an end to the post-Cold War policy consensus. At the same time, many countries in the region have enjoyed considerable economic growth, grown more confident in addressing their challenges, and diversified their commercial and diplomatic relations. These developments have enabled countries in the region to pursue more independent foreign policies that are less deferential to the United States.[3]

U.S. policymakers have responded to the United States' declining ability to advance its policy preferences within the OAS in a number of ways. Some Members of Congress, frustrated by the organization's inaction on the political crisis in Venezuela, contend that the OAS is failing in its mission to support democracy and human rights in Latin America. They have called on the U.S. government to use its influence in the organization to compel stronger action on these issues and occasionally have sought to withhold funding from the organization. Others argue that OAS actions continue to align closely with U.S. priorities in many cases and that the OAS should not be deemed ineffective solely based on its inability to resolve a few high-profile challenges. They have called for reforms to strengthen the organization.[4]

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[1] George Meek, "U.S. Influence in the Organization of American States," *Journal of Interamerican Studies and World Affairs*, vol. 17, no. 3 (August 1975), pp. 311-325; Carolyn M. Shaw, "Limits to Hegemonic Influence in the Organization of American States," *Latin American Politics and Society*, vol. 45, no. 3 (Autumn 2003), pp. 59-92; Pedro Ernesto Fagundes, "A Atuação da Organização dos Estados Americanos (OEA) nas Crises Políticas Contemporâneas," *Meridiano*, vol. 47, no. 117 (April 2010), pp. 30-32.

[2] See, for example, Inter-American Dialogue, *Remaking the Relationship: The United States and Latin America*, April 2012; Russell Crandall, "The Post-American Hemisphere: Power and Politics in an Autonomous Latin America," *Foreign Affairs*, vol. 90, no. 3 (May/June 2011), pp. 83-95; and Council on Foreign Relations, *U.S. Latin America Relations: A New Direction for a New Reality*, Independent Task Force Report No. 60, New York, 2008.

[3] Michael Shifter, "Managing Disarray: The Search for a New Consensus," in *Which Way Latin America? Hemispheric Politics Meets Globalization*, eds. Andrew F. Cooper and Jorge Heine (United Nations University Press, 2009); Brookings Institution, *Rethinking U.S.-Latin American Relations: A Hemispheric Partnership for a Turbulent World*, Report of the Partnership for the Americas Commission, Washington, DC, November 2008; and Peter Hakim, "The United States and Latin America: The Neighborhood Has Changed," *International Spectator*, vol. 46, no. 4 (December 2011), pp. 63-78.

[4] See, for example, U.S. Congress, House Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, *Advancing U.S. Interests through the Organization of American States*, 115th Cong., 2nd sess., February 14, 2018.

As Congress continues to debate the utility of the OAS for advancing U.S. policies and considers appropriations and other legislation related to the organization, it might examine OAS activities in the hemisphere and the extent to which those activities align with U.S. objectives. This report briefly discusses the history of the OAS and its principal institutional bodies; examines the organization's funding and current priorities; and analyzes a number of policy issues that have drawn congressional interest in recent years, including the application of the Inter-American Democratic Charter, the challenges facing the inter-American human rights system, the management and budget of the OAS, and the potential reintegration of Cuba into the inter-American system.

Background

History and Purpose

The OAS charter was adopted on April 30, 1948, in Bogotá, Colombia, though multilateral relations among the countries of the Western Hemisphere go back much further. The International Conference of American States, held in Washington, DC, from October 1889 to April 1890, was the first in a series of periodic meetings among the nations of the Americas to establish norms and institutions to govern hemispheric relations and promote cooperation. The participating nations agreed to establish the International Union of American Republics, which was renamed the Pan American Union in 1910. In 1933, following the launch of President Franklin Roosevelt's "Good Neighbor" policy, the United States and other nations in the hemisphere signed the Convention on the Rights and Duties of States, which formally recognized the equality of states and the principle of nonintervention in one another's internal affairs. Close cooperation during World War II considerably strengthened hemispheric ties, which were reinforced in the postwar period with the adoption of the Inter-American Treaty of Reciprocal Assistance (Rio Treaty) in 1947.[5] The OAS Charter and American Declaration of the Rights and Duties of Man were signed a year later by the United States and 20 other countries in the region to legally codify the institutions and principles that had come to form the inter-American system.[6]

Although the OAS initially sought to address border disputes and collective security issues, it has expanded its activities into other areas over time. In 1959, the Inter-American Commission on Human Rights was created to carry out the provisions of the American Declaration of the Rights and Duties of Man. During the 1960s, the OAS greatly expanded its economic, social, cultural, scientific, and technological programs, placing a strong emphasis on development following the 1961 launch of President Kennedy's "Alliance for Progress." Abuses by authoritarian governments prompted the creation of the Inter-American Court of Human Rights in 1979, and growing concern over narcotics trafficking led to the establishment of the Inter-American Drug Abuse Control Commission in 1986. The OAS acknowledged the challenges posed by regional and international terrorism by creating the Inter-American Committee Against Terrorism in 1999, and recognized the near-universal commitment to democracy in the region through the adoption of the Inter-American Democratic Charter in 2001.[7]

[5] The Senate gave its advice and consent to ratification of the Rio Treaty in December 1947. The text of the treaty is available at http://www.oas.org/juridico/english/treaties/b-29.html.

[6] The OAS has expanded over time. All 35 independent nations in the hemisphere have now signed the charter, though Cuba does not participate in the organization. See "Reintegration of Cuba into the Inter-American System," below. The Senate gave its advice and consent to ratification of the OAS Charter in August 1950.

[7] U.S. Congress, Senate Committee on Foreign Relations and House Committee on Foreign Affairs, *Inter-American*

According to the OAS Charter, as amended, the purpose of the organization is to

- strengthen the peace and security of the continent;
- promote and consolidate representative democracy, with due respect for the principle of nonintervention;
- prevent possible causes of difficulties and ensure the pacific settlement of disputes that may arise among member states;
- provide for common action on the part of those states in the event of aggression;
- seek the solution of political, juridical, and economic problems that may arise among them;
- promote, by cooperative action, their economic, social, and cultural development;
- eradicate extreme poverty, which constitutes an obstacle to the full democratic development of the peoples of the hemisphere; and
- achieve an effective limitation of conventional weapons that will make it possible to devote the largest amount of resources to the economic and social development of member states.[8]

Institutional Bodies

The OAS is composed of a variety of councils, committees, and other institutional organs, some of which are autonomous. There are three primary bodies, however, that are responsible for setting and carrying out the agenda of the OAS: the General Assembly, the Permanent Council, and the General Secretariat.

General Assembly

The General Assembly is the principal policymaking organ of the OAS. It meets annually to debate current issues, approve the organization's budget, and set policies to govern the other OAS bodies.[9] The General Assembly is composed of the delegations of each of the 34 participating member states, with each state having a single vote. It is empowered to adopt most decisions with the affirmative votes of an absolute majority of the member states; however, some decisions, including the adoption of the agenda and the approval of budgetary matters, require the affirmative votes of two-thirds of the member states. In practice, the General Assembly tends to operate by consensus. The 47th regular session of the General Assembly was held in Cancún, Mexico, in June 2017. The next regular session of the General Assembly is scheduled to be held in Washington, DC, on June 4-5, 2018.

Permanent Council

The day-to-day governance of the OAS is conducted by the Permanent Council, which meets regularly throughout the year at the organization's headquarters in Washington, DC. Among other activities, the Permanent Council works to maintain friendly relations among member states,

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Relations: A Collection of Documents, Legislation, Descriptions of Inter-American Organizations, and Other Material Pertaining to Inter-American Affairs, Joint Committee Print, Prepared by the Congressional Research Service, 100th Cong., 2nd sess., December 1988, S.Prt. 100-168 (Washington: GPO, 1989); O. Carlos Stoetzer, *The Organization of American States*, 2nd ed. (Westport, CT: Praeger, 1993); and OAS, "Our History," at http://www.oas.org/en/about/our_history.asp.

[8] OAS, *Charter of the Organization of American States*, at http://www.oas.org/juridico/english/charter.html.

[9] A special session of the General Assembly can be convoked by a two-thirds vote of the Permanent Council.

assists in the peaceful settlement of disputes, carries out decisions assigned to it by the General Assembly, regulates the General Secretariat when the General Assembly is not in session, receives reports from the various bodies of the inter-American system, and submits recommendations to the General Assembly. Additionally, the Permanent Council is empowered by the Inter-American Democratic Charter to undertake necessary diplomatic initiatives in the event of an unconstitutional alteration of government in a member state. Each member state appoints one representative to the Permanent Council, and each member state has a single vote. The affirmative votes of two-thirds of the member states are required for most Permanent Council decisions. Like the General Assembly, however, the Permanent Council tends to operate by consensus.

General Secretariat

The General Secretariat, directed by the Secretary General and the Assistant Secretary General, is the permanent bureaucracy charged with implementing the policies set by the General Assembly and the Permanent Council. The Secretary General and the Assistant Secretary General are elected by the General Assembly and serve five-year terms with the possibility of one reelection. According to the OAS Charter, the Secretary General serves as the legal representative of the organization and is allowed to participate in all OAS meetings but does not have a vote. The Secretary General is also empowered to establish offices and hire personnel to implement OAS mandates. Some analysts have argued that—given the virtual paralysis of the organization that can result from differences among member states and the need for consensus—"the effectiveness of the OAS critically depends on the consistent, vigorous, and sometimes risk-taking leadership of the Secretary General."[10]

The current Secretary General of the OAS is Luis Almagro, a former foreign minister of Uruguay. He was elected in March 2015 and took office on May 26, 2015. He succeeded José Miguel Insulza of Chile, who served two terms as Secretary General from 2005 to 2015. While Insulza generally focused his efforts on establishing consensus among the member states, Almago has taken on a more activist role, speaking out about democracy and human rights concerns and seeking to establish a larger role for the OAS in resolving the hemisphere's challenges. Almagro's leadership has won praise from U.S. policymakers, but his outspoken style has alienated some member states.[11]

Budget

The OAS budget is expected to total $151 million in 2018 (see **Table 1**). The largest portion of the budget is the Regular Fund, which covers the day-to-day operating expenses of the organization. The Regular Fund is financed through the assessed contributions, or membership dues, of OAS member states. Quota assessments are calculated based on each member state's gross national income, with adjustments for debt burden and low per capita income.[12] Since 1997, the OAS has sought to supplement the Regular Fund by collecting Specific Funds—voluntary contributions from member states and other international donors that are directed to specific

[10] Inter-American Dialogue, *Responding to the Hemisphere's Political Challenges: Report of the Inter-American Dialogue Task Force on the Organization of American States*, June 2006, p. 7.

[11] Franco Ordoñez, "Uruguayan Diplomat Luis Almagro Makes OAS a Player, Again," McClatchy, March 12, 2016; Maria Carrasquillo, "Almagro's Freshman Year: Bold Actions or Unnecessary Risk?" *American University, Center for Latin American and Latino Studies, AULA Blog*, June 16, 2016.

[12] For 2018, the maximum assessed contribution is 59.47% and the minimum is 0.022%.

projects or programs. Despite the addition of Specific Funds, the OAS has faced persistent strains on its budget (see "Management and Budget Concerns" below).

Table 1. Organization of American States Budget: 2014-2018

(millions of current dollars)

	2014 (execution)	2015 (execution)	2016 (execution)	2017 (approved)	2018 (approved)
Regular Fund	82.8	81.2	81.2	73.5	81.6
Specific Funds	59.3	54.5	48.8	75.5	64.9
Indirect Cost Recovery (ICR)	4.9	4.6	4.1	4.5	4.5
Total	147.0	140.4	134.1	153.5	151.0

Sources: OAS, *Approved Program Budget of the Organization of American States, 2018: Second Year of the 2017-2018 Biennium*, November 16, 2017; and OAS, *Proposed Program-Budget of the Organization of American States, 2017: First Year of the 2017-2018 Biennium*, August 11, 2016.

Note: 13% of all contributions to Specific Funds are directed to the ICR account to defray indirect costs incurred by the General Secretariat in administering Specific Fund projects.

The United States is the top source of funding for the OAS, contributing an estimated $68 million in FY2017, which was equivalent to 44% of the organization's approved budget. This figure included $50.4 million for the country's assessed contribution and an estimated $17.6 million in voluntary contributions to various Specific Funds (see **Table 2**). U.S. voluntary contributions are intended to advance U.S. strategic goals in the organization and region. In recent years, such contributions have funded democracy promotion and human rights protection efforts, OAS development assistance programs, humanitarian demining in Colombia, and security cooperation in the Caribbean, among other initiatives.[13] The Multilateral Aid Review Act of 2017, S. 1928, which was reported in the Senate in November 2017, would establish a multilateral review task force to assess the effectiveness of U.S. investments in the OAS and other multilateral institutions. A companion bill, H.R. 4502, was introduced in the House in November 2017.

After the United States, the largest member state contributors to the OAS in 2017 were Brazil ($18.4 million), Canada ($16.8 million), Mexico ($6.7 million), Argentina ($3.0 million), and Peru ($2.7 million). The largest nonmember donors were the United Kingdom ($3.7 million), Sweden ($2.2 million), Switzerland ($1.8 million), the Netherlands ($1.8 million), and Germany ($1.6 million).[14]

The Trump Administration requested $42 million for the OAS in FY2018, which is $8.5 million less than the $50.5 million quota assessment that the United States is obligated to pay as a condition of its membership. Congress has yet to adopt a full-year appropriations measure for FY2018 but has enacted a series of short-term continuing resolutions that have funded most foreign operations programs at slightly below the FY2017 level. The reports (H.Rept. 115-253 and S.Rept. 115-152) accompanying the Department of State, Foreign Operations, and Related Programs appropriations measures for FY2018 that were passed by the House (H.R. 3362, included as Division G of House-passed H.R. 3354) and reported in the Senate (S. 1780)

[13] U.S. Department of State, *Reports to Congress on Contributions to International Organizations, Fiscal Years 2015 and 2016*, January 2017.

[14] OAS, *Contributions to OAS Funds by Donor: From January 01, 2017 to December 31, 2017*, 2018. Non-hemispheric nations can be granted "permanent observer status," which permits them to participate in OAS activities and contribute to OAS programs. Currently, there are 70 "permanent observer" nations.

recommend several U.S. voluntary contributions to the OAS. The House report recommends providing $4.5 million to the OAS-backed Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH by its Spanish acronym). The Senate report recommends providing $5.5 million for the MACCIH, $5 million for the Inter-American Commission on Human Rights, $4 million for democracy programs, and $0.5 million for OAS development assistance programs.

The Administration's FY2019 budget request includes $41.9 million for the U.S. assessed contribution to the OAS. Like the Administration's FY2018 budget request, it does not propose any voluntary contributions to the organization.

Table 2. U.S. Funding for the OAS: FY2015-FY2019

(millions of current dollars)

	FY2015 (actual)	FY2016 (actual)	FY2017 (estimate)	FY2018 (request)	FY2019 (request)
Regular Fund	49.1	49.2	50.4	42.0	41.9
Specific Funds	18.5	11.6	17.6	0.0	0.0
Total	**67.6**	**60.8**	**68.0**	**42.0**	**41.9**
% of OAS Budget	48.1	45.3	44.3	27.8	not available

Sources: U.S. Department of State, *Reports to Congress on Contributions to International Organizations, Fiscal Years 2015 and 2016*, January 2017; U.S. Department of State, *Congressional Budget Justification, Department of State, Foreign Operations, and Related Programs, Fiscal Year 2019*, February 12, 2018; and OAS, *Contributions to OAS Funds by Donor*, at http://www.oas.org/saf/dfams/default.asp.

Note: Percentages calculated using total U.S. contributions per fiscal year as a percentage of the annual OAS budget. The OAS sets its budget by calendar years.

Current Priorities

In 2014, the General Assembly adopted a "Strategic Vision of the OAS," which reiterates that the four core pillars of the organization's mission are

- strengthening democracy;
- promoting and protecting human rights;
- advancing integral development; and
- fostering multidimensional security.[15]

Those objectives are "predominantly aligned with the high-level strategic goals for the Western Hemisphere" of the U.S. Department of State and the U.S. Agency for International Development (USAID).[16]

[15] OAS, *Strategic Vision of the Organization of American States*, AG/RES. 2814 (XLIV-O/14), June 4, 2014.

[16] U.S. Government Accountability Office, *Inter-American Organizations: U.S. Agencies Support Oversight Mechanisms but Could Enhance Their Monitoring of U.S. Assistance Agreements*, GAO-18-219, December 2017, p. 5., at https://www.gao.gov/assets/690/689243.pdf.

Democracy Promotion

The OAS has played an active role in promoting and defending democracy, particularly since the end of the Cold War and the return to civilian governance in most of the hemisphere. Member states approved a series of instruments designed to support democratic governance, culminating in the adoption of the Inter-American Democratic Charter on September 11, 2001.[17] The charter asserts that the peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it.[18] The OAS has sought to uphold these commitments through a number of activities, which include support for, and observation of, elections; technical assistance and other programs to foster institutional development and good governance; and the coordination of collective action when democratic institutions are threatened.

Since it began observing electoral processes in 1962, the OAS has deployed more than 250 electoral observation missions in 27 countries.[19] Over the years, the OAS has earned a reputation for impartiality and technical competence, playing an important role in the legitimization of electoral processes in many Latin American and Caribbean countries. The OAS observes several electoral processes every year, but each mission must be invited by the country holding the election and must solicit separate funding from the international donor community. Eight countries have invited the OAS to observe their elections in 2018, including Brazil, which has requested an observation mission for the first time as it prepares to elect a new president in the aftermath of widespread corruption scandals and a controversial presidential impeachment.[20] Some analysts have been critical of OAS observation missions in certain instances, however, maintaining that the organization occasionally has offered legitimacy to flawed elections.[21]

The OAS also provides technical assistance to member states designed to strengthen institutions and improve good governance. In 1996, OAS member states adopted the Inter-American Convention against Corruption (Treaty Doc. 105-39), which aims to improve government transparency by strengthening anticorruption laws and facilitating cooperation among member states.[22] Under the follow-up mechanism on the implementation of the convention, member states submit themselves to a reciprocal review process that evaluates how well they are implementing the convention, formulates recommendations for improving anticorruption efforts, and facilitates the exchange of information to harmonize the region's anticorruption legal frameworks.[23]

Some countries have requested special OAS political missions to assist them with sensitive governance matters. In Colombia, for example, the OAS Mission to Support the Peace Process is

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[17] In 1991, the OAS General Assembly adopted resolution 1080, which instructed the Secretary General to convoke the Permanent Council or the General Assembly in the event of an interruption of democratic governance in a member state. The following year, the OAS became the first regional political organization to allow the suspension of a member state for the forceful overthrow of a democratically constituted government when it ratified an amendment to its charter known as the Washington Protocol.

[18] OAS, *Inter-American Democratic Charter*, at http://www.oas.org/OASpage/eng/Documents/Democractic_Charter.htm.

[19] OAS, Department of Electoral Cooperation and Observation (DECO), "DECO and its Achievements," at http://www.oas.org/en/spa/deco/ACERCA.ASP.

[20] OAS, DECO, "Electoral Observation Calendar," at http://www.oas.org/en/spa/deco/calendario.asp.

[21] See, for example, David Rosnick, *The Organization of American States in Haiti: Election Monitoring or Political Intervention?*, Center for Economic and Policy Research (CEPR), Washington, DC, August 2011; and Rubén M. Perina, "The Future of Electoral Observation," *Americas Quarterly* (Spring 2012).

[22] President Clinton submitted the Inter-American Convention against Corruption to the Senate in April 1998, and the Senate gave its advice and consent to ratification in July 2000.

[23] OAS, "Anti-Corruption Portal of the Americas," at http://www.oas.org/juridico/english/FightCur.html.

providing verification and advisory support regarding the demobilization and reintegration of illegal armed groups.[24] The OAS Mission to Support the Fight against Corruption and Impunity in Honduras is working with the Honduran government to develop a stronger anticorruption legal framework and investigate and prosecute high-profile corruption cases.[25]

The OAS has been less successful at mobilizing collective efforts to defend democracy. In many cases, the General Secretariat and other operational bodies of the OAS have highlighted threats to democratic governance but member states have been unwilling or unable to take action. For example, Secretary General Almagro and the Inter-American Commission on Human Rights have issued numerous reports detailing the collapse of democracy in Venezuela.[26] The Secretary General also has repeatedly called on OAS member states to take whatever steps are necessary, including suspending Venezuela from the organization, to compel the government of Nicolás Maduro to restore the democratic order. Collective action has been stymied, however, by a small group of member states that are ideologically aligned with Venezuela and/or have received subsidized oil from the country. They have successfully exploited the organization's supermajority vote requirements to block nearly every resolution put forward by other member states that would condemn or pressure the Maduro government.[27]

The U.S. government and its allies also have been selective in their defense of democracy. An OAS electoral observation mission documented a series of irregularities during the November 2017 general election in Honduras and asserted that it could not be sure that the official results accurately represented the will of the Honduran people.[28] Secretary General Almagro called for new elections to be held and requested a Permanent Council meeting to discuss the matter.[29] OAS member states never collectively assessed the legitimacy of the elections, however, as the United States and several other nations opted to recognize the official results before a Permanent Council meeting could be convened. (For further analysis of the organization's efforts to defend democracy, see "Application of the Inter-American Democratic Charter" below.)

Human Rights Protection

Many analysts consider the inter-American human rights system, consisting of the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights, to be the most effective part of the OAS.[30] Unlike most of the organization's bodies, the

[24] For more information on the Colombian peace process, see CRS Report R43813, *Colombia: Background and U.S. Relations*, by June S. Beittel.

[25] For more information on the MACCIH, see CRS Report RL34027, *Honduras: Background and U.S. Relations*, by Peter J. Meyer.

[26] See, for example, Secretary General Luis Almagro, *Denunciation of a Dictatorial Regime's Consolidation in Venezuela*, September 25, 2017, at http://scm.oas.org/pdfs/2017/CP38157REPORT.pdf; and Inter-American Commission on Human Rights, *Situation of Human Rights in Venezuela*, December 31, 2017, at http://www.oas.org/en/iachr/reports/pdfs/Venezuela2018-en.pdf.

[27] See "Appendix B. OAS Action on Venezuela: 2016-2017" in CRS Report R44841, *Venezuela: Background and U.S. Relations*, by Clare Ribando Seelke and Rebecca M. Nelson.

[28] OAS, *Second Preliminary Report of the OAS Electoral Observation Mission in Honduras*, December 17, 2017. An electoral observation mission from the European Union also documented some problems with the election but did not question the outcome. European Union Electoral Observation Mission, *Honduras: Final Report, General Elections 2017*, March 2018.

[29] OAS, "Statement by the OAS General Secretariat on the Elections in Honduras," press release, December 17, 2017, at http://www.oas.org/en/media_center/press_release.asp?sCodigo=E-092/17; and Cristina García Casado, "La OEA Negocia cómo Abordar la Crisis Hondureña ante la Presión de Almagro," EFE News Service, January 14, 2018.

[30] See, for example, "Chipping at the Foundations: The Regional Justice System Comes Under Attack from the

IACHR and the Inter-American Court are autonomous, allowing them to execute their mandates without needing to establish consensus among member states on every action. Consequently, advocates maintain, the two bodies are able to take on the "pivotal role of condemnation and early warning in response to situations that undermine the consolidation of democracy and rule of law" in the hemisphere.[31]

The IACHR has a mandate to promote and protect human rights in the region. In the first decades after its 1959 inception, the IACHR's documentation of human rights violations brought international attention to the abuses of repressive regimes. Although the human rights situation in the hemisphere has changed considerably as a result of the spread of democracy, the IACHR continues to receive, analyze, and investigate more than 2,500 allegations of human rights violations annually.[32] The IACHR also issues requests to governments to adopt "precautionary measures" in certain cases where individuals or groups are at risk of suffering serious and irreparable harm to their human rights. Additionally, the IACHR observes the general human rights situations in member states, conducts on-site visits to carry out in-depth analyses, publishes special reports when warranted, and notes in its annual report which countries' human rights situations deserve special attention, follow-up, and monitoring. In its most recent annual report (issued in April 2017 and covering 2016), the IACHR made special note of the human rights situations in Cuba, the Dominican Republic, and Venezuela.[33]

Since 1990, the IACHR has created rapporteurships to draw attention to emerging human rights issues and certain groups that are particularly at risk of human rights violations due to vulnerability and discrimination. There are currently 10 rapporteurships, which focus on freedom of expression; human rights defenders; economic, social, and cultural rights; and the rights of women, children, indigenous peoples, afro-descendants, prisoners, migrants, and lesbian, gay, bisexual, trans, and intersex (LGBTI) persons.

The Inter-American Court of Human Rights, created in 1979, is an autonomous judicial institution charged with interpreting and applying the American Convention on Human Rights.[34] Currently, 20 OAS member states accept the court's jurisdiction; the United States does not. According to a number of analysts, the Inter-American Court has played an important role in the development of international human rights case law, securing justice for individual victims while facilitating structural changes to prevent future violations.[35] Nevertheless, some observers contend that the court has begun to compromise its credibility by weighing in on controversial matters, such as same-sex marriage, which they argue are outside the court's mandate.[36]

Countries Whose Citizens Need It Most," *Economist*, June 9, 2012; and Victoria Amato, "Taking Stock of the Reflection on the Workings of the Inter-American Commission on Human Rights," *Aportes: Magazine of the Due Process of Law Foundation*, vol. 5, no. 16 (June 2012), p. 5. (Hereinafter: Amato, 2012).

[31] Ariel E. Dulitzky, "15 Reflections on the Process of Reflection," *Aportes: Magazine of the Due Process of Law Foundation*, vol. 5, no. 16 (June 2012), p. 11.

[32] Inter-American Commission on Human Rights (IACHR), *Annual Report of the Inter-American Commission on Human Rights 2016*, April 27, 2017, p.54, at http://www.oas.org/en/iachr/docs/annual/2016/TOC.asp. (Hereinafter: IACHR, April 2017).

[33] IACHR, April 2017.

[34] The American Convention on Human Rights is available at http://www.oas.org/en/iachr/mandate/basic_documents.asp.

[35] See, for example, Viviana Krsticevic, "The Promise of Protecting All," *Americas Quarterly* (Summer 2009).

[36] U.S. Congress, House Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, *Advancing U.S. Interests through the Organization of American States*, testimony of Alfonso Aguilar, 115th Cong., 2nd sess., February 14, 2018.

Economic and Social Development

Although the region has made considerable strides in terms of economic growth and social inclusion, poverty and inequality levels remain high in many countries and the OAS continues to support development efforts. The organization's Department of Economic Development, for example, supports efforts to enhance the productivity and competitiveness of economic actors in the region, with particular emphasis on micro, small, and medium-sized enterprises. It also provides training to governments designed to strengthen their capacities to negotiate and implement trade and investment agreements, and take advantage of new trade opportunities.[37]

The Inter-American Agency for Cooperation and Development also supports development efforts through the OAS Development Cooperation Fund. Formerly known as the Special Multilateral Fund of the Inter-American Council for Integral Development, the fund was established in 1997 to address the most urgent needs of member states, especially those with smaller and more vulnerable economies. The Development Cooperation Fund supports efforts to strengthen institutions and build human capacity, with the majority of recent projects focused on social inclusion, social protection, and productive employment. Voluntary contributions to the Development Cooperation Fund have declined drastically over the last decade, falling from more than $6 million in 2008 to $290,000 in 2017.[38] Nevertheless, the OAS Board of External Auditors maintains that the fund is still able to "bring much needed benefits to member states" by providing seed funding that can be leveraged through partnerships with other institutions.[39]

Some analysts argue that the OAS should transition out of the development sector. They contend that OAS development programs are "almost without exception, poor quality copies of those undertaken by other institutions," such as the Inter-American Development Bank and the U.N. Development Program, and that the OAS's limited resources should be focused on areas where the organization has a comparative advantage, such as democracy promotion, human rights protection, and conflict resolution.[40] Member states, however, collectively rank economic and social development as the most important pillar of the organization's agenda.[41]

Regional Security Cooperation

The OAS has dedicated greater attention to hemispheric security issues over the past two decades. In 2005, the OAS established the Secretariat for Multidimensional Security in an attempt to address transnational crime and other regional security threats in a more comprehensive manner. In addition to overseeing antidrug and counterterrorism efforts, as discussed below, the Secretariat supports a variety of activities, including programs to reduce gang violence, prevent human trafficking, and remove land mines.

OAS member states coordinate antidrug efforts through the Inter-American Drug Abuse Control Commission (CICAD by its Spanish acronym). CICAD helps OAS member states strengthen their antidrug policies by developing and recommending legislation, providing technical

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[37] OAS, "Trade and Economic Development," http://www.oas.org/en/sedi/desd/ted/.

[38] OAS, *Contributions to OAS Funds by Donor: From January 01, 2017 to December 31, 2017*, 2018; OAS Board of External Auditors, *2015 Report to the Permanent Council: Annual Audit of Accounts and Financial Statements for the Years Ended December 31, 2015 and 2014*, JAE/doc. 46/16, May 9, 2017, p.21. (Hereinafter: OAS Board of External Auditors, 2017).

[39] OAS Board of External Auditors, 2017, p.21.

[40] Kevin Casas-Zamora, "Reform the OAS," Inter-American Dialogue, July 18, 2016.

[41] OAS, *Establishment of Priorities of the Member States*, CAAP/GT/RVPP-85/11 rev.1, March 2, 2011.

assistance and specialized training, and conducting assessments of member states' progress. CICAD also helps build trust and establish common ground for cooperation between the United States and the rest of the hemisphere. For example, after several regional leaders expressed frustration with the results of U.S.-backed counternarcotics policies, the heads of government attending the 2012 Summit of the Americas called for the OAS to analyze the results of those policies and explore alternative approaches that may be more effective. CICAD prepared two reports, published in 2013, which suggested that member states could benefit from greater policy flexibility, potentially including decriminalization of marijuana.[42] The reports' findings were incorporated into CICAD's *2016-2020 Hemispheric Plan of Action on Drugs*.[43]

The Inter-American Committee against Terrorism (CICTE by its Spanish acronym) serves as the primary regional forum through which OAS member states coordinate on counterterrorism issues. Among other efforts, CICTE helps member states implement the 2002 Inter-American Convention against Terrorism (Treaty Doc. 107-18), through which they committed to take action against the financing of terrorism, ratify U.N. antiterrorism instruments, improve cooperation among law enforcement, and deny asylum to suspected terrorists.[44] In 2016, CICTE conducted 68 training courses, technical assistance missions, and other activities that benefited nearly 3,700 participants from throughout the hemisphere. The programs focused on cybersecurity and critical infrastructure protection, border controls, terrorism finance prevention, and antiterrorism legal framework enhancements.[45]

Issues for Congress

Congress plays an important role in determining U.S. policy toward the OAS. As noted previously, the United States provided more than 44% of the organization's funding in FY2017. Congress appropriates funds for the assessed contribution of the United States, as well as voluntary contributions to support specific projects in the hemisphere. Congress also is involved in the development of inter-American treaties, as any conventions negotiated by the executive branch must be submitted to the Senate for its advice and consent to ratification. Moreover, Congress is charged with providing oversight of how U.S. funds are spent. Members of Congress frequently voice concerns over OAS actions (or lack thereof) and recommend changes in policy. Policy issues that have drawn particular interest from some Members of Congress in recent years include the application of the Inter-American Democratic Charter, challenges to the inter-American human rights system, the management and budget of the OAS, and the potential reintegration of Cuba into the inter-American system.

[42] The reports, *The Drug Problem in the Americas* and *Scenarios for the Drug Problem in the Americas: 2013-2025*, are available at http://www.cicad.oas.org/Main/Template.asp?File=/drogas/elinforme/default_eng.asp.

[43] The *Hemispheric Plan of Action on Drugs: 2016-2020* is available at http://www.cicad.oas.org/main/aboutcicad/basicdocuments/hemispheric/PoA-Version_Final-ENG.pdf.

[44] President Bush submitted the Inter-American Convention against Terrorism to the Senate in November 2002, and the Senate provided its advice and consent to ratification in October 2005.

[45] CICTE, *Report of the Executive Secretariat of CICTE*, CICTE/INF/4/17 corr. 1, April 20, 2017.

Application of the Inter-American Democratic Charter

Background

As noted previously, OAS member states adopted the Inter-American Democratic Charter in September 2001. The Democratic Charter begins by asserting that the peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it. It continues by noting that—in addition to free and fair elections—respect for human rights, the rule of law, political pluralism, and the separation of powers are all essential elements of representative democracy. The Democratic Charter calls on the OAS to promote democracy by carrying out electoral observation missions (when requested) and programs designed to promote democratic values and good governance. It also establishes mechanisms for collective action by member states when a nation's democratic institutions are under threat or have been overturned.[46]

Since its adoption, there has been considerable debate within the hemisphere about how the provisions of the Inter-American Democratic Charter should be applied. Although observers have called on the OAS to invoke the collective action mechanisms of the charter on numerous occasions, member states have been reluctant to do so. Analysts have identified three inter-related factors that have limited the operational scope of the Democratic Charter:

- tension between the principle of nonintervention enshrined in the OAS Charter[47] and the obligation to defend democracy through collective action,
- the lack of precise criteria for defining when a country has experienced a breakdown in the democratic order, and
- the inability of powers outside the executive branch to effectively access the OAS.[48]

OAS member states acknowledged that democratic breakdowns justify collective action when they adopted the Democratic Charter, but they also placed limits on the Democratic Charter's application to defend the principle of nonintervention. The OAS is not allowed to intervene in situations where democratic institutions appear to be threatened unless the country requests assistance and collective action without a member state's consent can only take place after a rupture in the democratic order has already taken place.[49] In 2009, for example, polarization between governmental institutions in Honduras had been building for several months before then-president Manuel Zelaya was arrested by the military and forced into exile. The Honduran government did not request OAS assistance until shortly before the June 2009 ouster, however, and Zelaya was removed from office a day before an OAS special commission was due to arrive in the country to assess the situation.[50] Consequently, member states were unable to take collective action in Honduras until the country was already in crisis. The unanimous decision to

[46] OAS, *Inter-American Democratic Charter*, at http://www.oas.org/OASpage/eng/Documents/Democractic_Charter.htm.

[47] Article 19 of the OAS Charter states, "No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic, and cultural elements."

[48] OAS, *Follow-up on the Application of the Inter-American Democratic Charter*, CJI/RES. 160 (LXXV-O/09), August 12, 2009, p. 23.

[49] See Chapter IV of the Democratic Charter, "Strengthening and Preservation of Democratic Institutions."

[50] OAS, "Engagement in Honduras, November 2008-July 2009," July 2009.

suspend Honduras from the OAS and subsequent diplomatic efforts were incapable of reversing the situation.[51]

The Democratic Charter's failure to define what constitutes "an unconstitutional interruption of the democratic order or an unconstitutional alteration of the constitutional regime that seriously impairs the democratic order" has further limited its application. In several countries in the region, democratically elected leaders have engaged in actions that generally follow constitutional procedures but eliminate checks and balances to consolidate power. Since the Democratic Charter is not clear about whether such actions are violations, member states have been unwilling to respond, deferring instead to the principle of nonintervention. For example, the IACHR documented the Venezuelan government's steady erosion of democratic institutions for more than a decade before Secretary General Almagro invoked the Democratic Charter in May 2016, requiring the Permanent Council to undertake a collective assessment of the situation. Although most member states now support OAS efforts to restore democratic governance in Venezuela, a small group of countries aligned with Venezuela has been able to block nearly every resolution on the matter.[52]

The composition of the OAS has served as a third barrier to applying the Democratic Charter. The members of the Permanent Council, who are charged with assessing democratic crises, represent their nations' executive branches. Accordingly, they have interpreted the Democratic Charter's requirement that the OAS receive consent from "the government concerned" prior to intervention to mean consent from the nation's executive power. As a result, other branches of government and civil society groups are effectively unable to invoke the Democratic Charter's collective action mechanisms. In December 2004, for example, then-president Lucio Gutierrez of Ecuador dissolved the Supreme Court. Although some within the country called for the Democratic Charter to be invoked, OAS member states took no action. It was only in April 2005, after the Ecuadoran Congress had removed Gutiérrez and the new President, Alfredo Palacio, requested OAS assistance, that member states sent a mission to the country.[53]

Policy Considerations

Democracy promotion has been a central goal of U.S. policy toward Latin America and the Caribbean since the end of the Cold War. Congress has supported successive administrations' efforts, appropriating foreign assistance intended to strengthen democratic governance and institutions as well as the ability of civil society organizations to hold governments accountable. In recent years, Members of Congress have lauded the advances that have occurred in most of the hemisphere while raising concerns about the declining quality of democracy in some nations.[54]

The role of the OAS in promoting democracy is more contested. Some Members of Congress have criticized the OAS for failing to address the erosion of democratic institutions in countries such as Venezuela and Nicaragua, and have questioned whether the organization is meeting its

[51] Honduras was the first member state to be suspended under the Inter-American Democratic Charter. OAS member states did not lift the suspension until June 1, 2011, after an election had taken place and the Honduran government had dropped criminal charges against Zelaya and allowed him to return to the country. For more information on the political crisis in Honduras, see CCRS Report R41064, *Honduran Political Crisis, June 2009-January 2010*, by Peter J. Meyer.

[52] For more information, see "Appendix B. OAS Action in Venezuela: 2016-2018" in CRS Report R44841, *Venezuela: Background and U.S. Relations*, by Clare Ribando Seelke and Rebecca M. Nelson.

[53] OAS, *The Inter-American Democratic Charter*, CP/doc. 4184/07, April 4, 2007, p. 14.

[54] See, for example, U.S. Congress, House Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, *Upcoming Elections in the Western Hemisphere*, 115th Cong., 2nd sess., January 10, 2018.

obligations. Others contend that the OAS has supported the spread of democratic governance throughout the hemisphere and argue that the organization's effectiveness in promoting democracy should not be judged solely on setbacks in a few countries.[55]

The 115th Congress has sought to utilize the OAS as part of its broader efforts to address the deterioration of democracy in Venezuela. For example, S.Res. 35, which the Senate approved by unanimous consent in February 2017, expresses support for Secretary General Almagro's invocation of the Inter-American Democratic Charter, calls on the Permanent Council to undertake a collective assessment of the situation in Venezuela, and urges the President to support OAS efforts to promote democratic solutions to the political impasse. Similarly, H.Res. 259, passed by the House in December 2017, recognizes Almagro's leadership in promoting democracy in Venezuela, urges OAS member states to push for free and fair elections and the release of all political prisoners, and encourages the President to work with partners at the OAS to impose targeted sanctions against individuals responsible for the deterioration of democratic institutions in Venezuela.

Despite agreement among many Members of Congress that the OAS should apply the Democratic Charter more broadly, there appears to be little appetite in the region—even among U.S. allies—for such actions. Given the asymmetrical power relations and the long history of U.S. intervention in the hemisphere, many nations are wary of establishing precedents for foreign involvement in internal affairs.[56] Indeed, they have often used the OAS to engage in defensive multilateralism designed to constrain unilateral U.S. action.[57] Given this aversion to intervention, member states are unlikely to invoke the collective action mechanisms of the Democratic Charter in the near term except in cases of democratic breakdowns that resemble traditional coups d'état.

Challenges to the Inter-American Human Rights System

Background

The inter-American human rights system, which is widely viewed as one of the most effective parts of the OAS, has faced a number of challenges in recent years. In 2011, for example, the Permanent Council established a special working group to examine the IACHR after the commission made a series of decisions that rankled governments in the region.[58] During the review process, some member states called for far-reaching changes to the IACHR, including proposals to adopt more stringent criteria for granting precautionary measures, shift the focus of the IACHR's work away from individual cases toward general human rights promotion, remove the independent budget and staff of the Special Rapporteur for Freedom of Expression, and end the practice of identifying countries that have human rights situations that deserve special

[55] Ibid; U.S. Congress, House Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, *Advancing U.S. Interests through the Organization of American States*, 115th Cong., 2nd sess., February 14, 2018.

[56] OAS, *Follow-up on the Application of the Inter-American Democratic Charter*, CJI/RES. 160 (LXXV-O/09), August 12, 2009, p. 27.

[57] Thomas Legler, "Multilateralism and Regional Governance in the Americas," in *Latin American Multilateralism: New Directions* (Ottawa: FOCAL, 2010), p. 13.

[58] The impetus for the creation of the working group appears to have been the IACHR's April 2011 decision to issue a precautionary measure that ordered Brazil to halt construction on a hydroelectric project in order to protect indigenous communities. Brazil denounced the measure as "unjustifiable," withdrew its Ambassador to the OAS, and withheld its assessed contribution. Ministério das Relações Exteriores, "Solicitação da Comissão Interamericana de Direitos Humanos (CIDH) da OEA," Nota à Imprensa N° 142, April 5, 2011; Amato, 2012, p. 5.

attention in the IACHR's annual report.[59] The IACHR ultimately rejected the most problematic recommendations and adopted a series of minor changes to its rules of procedure, policies, and practices.[60] Although some member states have continued to push for more radical changes, they have been unsuccessful thus far.

The inter-American human rights system also has struggled with a lack of resources. Roughly half of the IACHR's annual budget is drawn from the OAS Regular Fund, which is financed with member states' assessed dues. The remainder of the IACHR's budget depends on voluntary contributions from member states and international donors, which vary from year to year. In 2016, the IACHR was nearly forced to lay off 40% of its personnel and suspend a number of activities due to a sharp decline in voluntary contributions stemming from fiscal challenges among member states and a shift in priorities among European donors.[61] The crisis ultimately was avoided after the IACHR received a late surge in donations. In 2017, the OAS General Assembly adopted a resolution to increase Regular Fund transfers to the IACHR and the Inter-American Court by 33% per year over the next three years, which will ensure that the inter-American human rights system is fully funded by 2020.[62] This should place the system in a more sustainable financial position; however, it also could increase pressure on the rest of the OAS since member states did not pair the agreement with an increase in assessed contributions.

Policy Considerations

Congress has expressed considerable support for the inter-American human rights system. In the Consolidated Appropriations Act, 2017 (P.L. 115-31), Congress appropriated $4.5 million in voluntary contributions to the OAS for programs to promote and protect human rights.[63] Similarly, the Senate Appropriations Committee, in the report (S.Rept. 115-152) accompanying its FY2018 foreign operations appropriations bill (S. 1780), noted that it "remains concerned with the budgetary challenges facing the ... Inter-American Commission on Human Rights and the Special Rapporteur for Freedom of Expression, which play important roles in providing access to justice for victims of crimes against humanity and other human rights violations and in defending freedom of the press." The committee recommended providing $5 million in voluntary contributions to the IACHR, including $500,000 for the Special Rapporteur for Freedom of Expression.

Nevertheless, some analysts argue that the United States lacks credibility in defending the human rights system given its unwillingness to ratify the hemisphere's human rights treaties.[64] The United States signed the American Convention on Human Rights (Treaty Doc. 95-21) in 1977,

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[59] OAS, *Compilation of Presentations by Member States on the Topics of the Working Group*, GT/SIDH-17/11 rev.1, November 7, 2011.

[60] IACHR, *Reform of the Rules of Procedure, Policies, and Practices*, Resolution 1/2013, March 19, 2013.

[61] IACHR, "Severe Financial Crisis of the IACHR Leads to Suspension of Hearings and Imminent Layoff of Nearly Half Its Staff," press release, May 23, 2016.

[62] IACHR, "IACHR and Inter-American Court Appreciate General Assembly Decision on Budget Increase," press release, June 22, 2017.

[63] Explanatory Statement Submitted by Mr. Frelinghuysen of New Jersey, Chairman of the House Committee on Appropriations, Regarding the House Amendment to the Senate Amendments on H.R. 244, *Congressional Record*, vol. 163 (May 3, 2017), p. H4050, https://www.congress.gov/crec/2017/05/03/CREC-2017-05-03-pt3-PgH3949-2.pdf.

[64] See, for example, "Human Rights in the Americas: Chipping at the Foundations," *Economist*, June 9, 2012; "Global Insider: Inter-American Commission Reforms Seek to Change a Mixed System," *World Politics Review*, March 11, 2013; and Mari Hayman, "ALBA-Backed Proposals for IACHR Reform Could Undermine the System," *World Politics Review*, March 27, 2013.

but the Senate has never provided its advice and consent to ratification.[65] While some U.S. policymakers have expressed support for ratification, others have raised concerns about potential conflicts with U.S. law and international interference in U.S. domestic affairs.[66] The reluctance of the United States and several other nations to ratify the American Convention has created a multitiered human rights system in the hemisphere that the IACHR and many OAS member states view as problematic.[67]

Beyond ratifying the American Convention, some observers argue that the U.S. government could demonstrate greater support for the inter-American human rights system by doing more to comply with the IACHR's recommendations for improving human rights in the United States. The IACHR has issued recommendations to the United States in 27 cases since 2001; as of 2016, the United States was in full compliance in one case, partial compliance in 10 cases, and noncompliance in 16 cases.[68] Among other recommendations, the IACHR repeatedly has called on the United States to halt the use of capital punishment and ensure foreign nationals who are detained in the United States are informed of their right to consular assistance. Although the United States is currently subject to the jurisdiction of the IACHR under the American Declaration of the Rights and Duties of Man (adopted in 1948 alongside the OAS Charter), the U.S. government argues that the declaration does not create legally binding obligations.[69]

Management and Budget Concerns

Background

The OAS has faced persistent budget problems over the past two decades. Member states' assessed contributions to the OAS Regular Fund, which covers day-to-day operating expenses, have stagnated for extended periods of time, resulting in a nearly 21% decline in the organization's purchasing power between 2001 and 2017.[70] At the same time, member states have required the OAS to provide annual cost of living increases to its employees and have continued to assign new mandates to the organization. This combination of frozen funding levels and increased costs and responsibilities has created a structural deficit at the organization. The OAS initially used resources from its reserve fund and member state payments of back dues to bridge the gap, but those financial reserves were exhausted by 2010. To find additional savings, the OAS has delayed needed infrastructure investments and maintenance, postponed information technology upgrades, and reduced Regular Fund staff posts by nearly 31% over the past seven years.[71]

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[65] The text of the treaty, as received in the Senate, is available at http://www.foreign.senate.gov/download/?id=C0C737E4-51E1-407B-8449-761FF02BE220.

[66] For a variety of views, concerns, and recommendations regarding the American Convention on Human Rights, see U.S. Congress, Senate Committee on Foreign Relations, *International Human Rights Treaties*, Hearings, 96th Cong., 1st sess., November 14, 15, 16, and 19, 1979 (Washington: GPO, 1980).

[67] Ibid. Currently, 20 nations accept the jurisdiction of the Inter-American Court and the full jurisdiction of the IACHR under the American Convention, three other nations do not accept the jurisdiction of the court but have ratified the American Convention, and 12 nations—including the United States—have not ratified (or have withdrawn from) the American Convention and are only subject to the jurisdiction of the IACHR under the American Declaration.

[68] IACHR, April 2017, pp. 108-109.

[69] IACHR, *Universalization of the Inter-American System of Human Rights*, August 14, 2014, p. 30.

[70] OAS, *Proposed Program-Budget of the Organization of American States, 2018*, July 31, 2017, p.12.

[71] OAS, *Note for the Information of the CAAP: Business Case for Available Options to Address the Gap Between Expenditures and Timely Payments*, CP/CAAP-3218/13, rev.1, March 28, 2013, p. 12; and OAS, *Approved Program-*

Nevertheless, the financial situation of the OAS remains precarious. According to the 2017 report of the organization's Board of External Auditors (covering 2016), "the OAS' budgetary structural imbalance continues to result in cash flow shortages in the Regular Fund and a programmatic agenda that is not financially sustainable."[72] The board noted that 2016 was the sixth consecutive year that the OAS ended the fiscal year with a deficit in the Regular Fund, and asserted that member states need to identify programs to cut since "savings from administrative efficiencies and/or ad hoc revenues alone will not solve the problem."[73] Some analysts contend that the organization's recurring budgetary problems have created a vicious circle in which the OAS is "unable to invest in the human and institutional capital necessary to meet its mandate, and therefore unable to demonstrate its true importance and potential" to member states, leading to further hollowing out of the organization.[74]

Policy Considerations

Congress has expressed concerns about the management and budget of the OAS and has adopted legislation designed to strengthen the organization. The OAS Revitalization and Reform Act of 2013 (P.L. 113-41) called on the OAS to prioritize its core functions and reduce its mandates, implement a results-based budgeting process and a transparent and merit-based human resource process, and alter its quota structure by October 2018 so that no member state is responsible for more than 50% of the organization's assessed contributions. The legislation also directed the U.S. Secretary of State to develop a strategy to ensure that the OAS adopts the reforms and provide quarterly briefings to Congress on their implementation.

The OAS has made progress on many of the reforms recommended by Congress in the 4½ years since the OAS Revitalization and Reform Act was adopted. Secretary General Almagro has worked with the General Assembly and Permanent Council to develop a comprehensive strategic plan and realign the organization's structure and resources to focus on its four core priorities. For example, the Permanent Council reviewed 856 mandates that had been assigned to the OAS and identified 82 as priorities that aligned with the organization's strategic vision.[75] The General Secretariat also has drafted a supplement strategic plan that defines the organization's objectives, describes the activities to be undertaken to achieve them, establishes indicators and timeframes for measuring progress, and assigns responsibilities to various OAS bodies.[76]

Member states may consider changes to the organization's quota structure in the coming months. In November 2017, the General Assembly adopted a resolution directing the Permanent Council to propose modifications that would gradually reduce the assessed dues of the largest contributor (the United States) to less than 50% of the total; the proposal is due by March 23, 2018.[77] Reaching a consensus among member states may be difficult, however, as any reductions in the assessed contributions of the United States would need to be offset by increased contributions

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Budget of the Organization of American States, 2018, November 16, 2017, Annex VII, p. 8.

[72] OAS Board of External Auditors, *2016 Report to the Permanent Council: Annual Audit of Accounts and Financial Statements for the Years Ended December 31, 2016 and 2015*, JAE/doc. 47/17, May 9, 2017, p. 3.

[73] Ibid.

[74] Bed Raderstorf and Michael Shifter, *Rebuilding Hemispheric Consensus: A Reform Agenda for the Organization of American States*, Inter-American Dialogue, February 2018, p. 16. (Hereinafter: Raderstorf & Shifter, 2018).

[75] OAS, *Proposed Program-Budget of the Organization of American States, 2017*, April 11, 2016, p. 9.

[76] OAS, *Supplement Strategic Plan*, March 21, 2017, at http://scm.oas.org/pdfs/2017/CP37360ESTRATEGICPLAN.pdf.

[77] OAS, *Program Budget of the Organization for 2018*, AG/RES.1 (LII-E/17) rev. 1, November 16, 2017.

from other member states or further cuts to OAS staff and programs. The Trump Administration's FY2019 budget request for the OAS, which is approximately $8.5 million less than the U.S. government's estimated quota assessment, is based on the expectation that "the funding burden will be shared more equitably among member states."[78] Some analysts argue that member states should agree to a one-time special assessment to recapitalize the OAS and cover the cost of deferred maintenance as part of their broader efforts to rebalance the quota structure and stabilize the organization's finances.[79]

Reintegration of Cuba into the Inter-American System[80]

Background

Cuba was one of the founding members of the OAS and, as a signatory to the OAS Charter, remains a member. It has not participated in the organization since 1962, however, as a result of a decision at the Eighth Meeting of Consultation of the Ministers of Foreign Affairs to suspend Cuba for its adherence to Marxism-Leninism and alignment with the communist bloc.[81] The resolution to exclude Cuba was controversial when it was adopted, and the reintegration of Cuba into the inter-American system has remained a frequent source of contention among the countries of the hemisphere ever since.

Over the past decade, Latin American and Caribbean member states of the OAS repeatedly have pushed to include Cuba in hemispheric forums. At the 2009 OAS General Assembly, member states adopted a measure to repeal the 1962 resolution that suspended Cuba from participation in the OAS. The measure states that Cuba's eventual participation in the OAS "will be the result of a process of dialogue initiated at the request of the Government of Cuba, and in accordance with the practices, purposes, and principles of the OAS,"[82] which include representative democracy and respect for human rights. Although the Cuban government declared the repeal a "major victory," it also stated that it had no interest in participating in the OAS.[83]

In 2015, Cuban President Raúl Castro attended the Seventh Summit of the Americas in Panama. Although the Summits of the Americas are not officially part of the OAS, the OAS serves as the technical secretariat for the summit process, and previous summits only included the participating members of the OAS.[84] Panama invited Cuba to attend the summit after every country in the hemisphere—with the exceptions of Canada and the United States—voiced support for Cuba's inclusion during the Sixth Summit of the Americas in 2012.[85]

During his inaugural speech, Secretary General Almagro asserted that the Seventh Summit of the Americas "was a turning point in our hemisphere." He went on to say he would "work to enable

[78] U.S. Department of State, *Congressional Budget Justification, Appendix 1: Department of State Diplomatic Engagement, Fiscal Year 2019*, March 1, 2018, p. 281.

[79] Raderstorf & Shifter, 2018, p. 16.

[80] For more information on Cuba, its exclusion from the OAS, and U.S. policy toward the country, see CRS Report R44822, *Cuba: U.S. Policy in the 115th Congress*, by Mark P. Sullivan.

[81] OAS, *Eighth Meeting of Consultation of Ministers of Foreign Affairs*, Ser. C/II.8, January 22-31, 1962.

[82] OAS, *Resolution on Cuba*, AG/RES. 2438 (XXXIX-O/09), June 3, 2009.

[83] "Cuba Says No to OAS Membership," *Voice of America*, June 4, 2009.

[84] For more information on the Seventh Summit of the Americas, see CRS Report R43952, *Seventh Summit of the Americas: In Brief*, by Peter J. Meyer.

[85] Frank Bajak and Vivian Sequera, "US, Canada Alone at Summit in Cuba Stance," Associated Press, April 15, 2012.

Cuba to become fully integrated into the OAS, obviously taking into account the need to make allowance for time frames and processes that are not under our control."[86] Raúl Castro has repeatedly reiterated that Cuba is not interested in participating in the organization, however, and Almagro's relations with the Cuban government have deteriorated over the past three years as the Secretary General has become more outspoken in calling for democratic reforms. Cuba denied Almagro entry into the country to accept an award in honor of the late democracy activist Oswaldo Payá in 2017, and Raúl Castro reportedly asserted in March 2018 that OAS officials "will never be welcome" in Cuba.[87]

Policy Considerations

Over the years, Members of Congress generally have agreed on the overall goals of U.S. policy toward Cuba—to help bring democracy and respect for human rights to the island—but have disagreed about how best to achieve those objectives. Some have argued that isolating Cuba is the best way to produce change. They opposed President Obama's efforts to normalize relations with Cuba and have lauded President Trump's decision to partially roll back U.S. engagement. Other Members contend that the sanctions-based policy that has been in place since the early 1960s has failed and argue that U.S. engagement is the best way to encourage reforms in Cuba.

Congressional debate surrounding the reintegration of Cuba into the inter-American system has reflected the disagreements over broader U.S. policy toward the island. Members of Congress who have opposed engagement with Cuba have also opposed efforts to reintegrate the country into the inter-American system. In previous years, some Members introduced bills that would have withheld U.S. contributions to the OAS if Cuba were allowed to participate in the organization or the Summits of the Americas prior to transitioning to democracy. Conversely, Members who support greater U.S. engagement with Cuba generally have celebrated the country's inclusion in hemispheric forums.

Congressional actions related to the normalization of relations with Cuba and the country's reintegration into the inter-American system could have broader implications for U.S. interests in the hemisphere. Latin American governments across the ideological spectrum have opposed the U.S. government's sanctions-based policy toward Cuba and have lauded the rapprochement between the U.S. and Cuban governments. Many analysts maintain that President Obama's decision to reestablish diplomatic relations with Cuba "removed a contentious issue that has been a thorn in U.S.-Latin American relations and has diverted attention from more productive areas of collaboration in the hemisphere."[88] Likewise, some argue that the reintegration of Cuba into the inter-American system could create political space for allies in the region to place more pressure on Cuba regarding human rights and democracy.[89] For example, several Cuban dissidents were able to attend and participate in the Civil Society and Social Actors Forum that took place alongside the Seventh Summit of the Americas. Others argue that Cuba's inclusion in

[86] OAS, "Secretary General's Speech at His Inauguration," May 26, 2015.

[87] Carlos Batista, "Cuba Deporta a Dos Expresidentes y Cierra Puertas a Jefe de la OEA," Agence France Presse, March 7, 2018.

[88] Harold Trinkunas, "New U.S.-Cuba Policy Will Revitalize Hemispheric Relations," Brookings Institution, December 18, 2014. Also see Simon Romero and William Neuman, "Cuba Thaw Lets Rest of Latin America Warm to Washington," *New York Times*, December 18, 2014; and Richard E. Feinberg, "For Latin America, U.S. Shift on Cuba Heals Old Wounds," *Fusion*, December 24, 2014.

[89] William M. LeoGrande, "U.S. Recruits Europe and Latin America to Press Cuba to Open Up," *World Politics Review*, February 23, 2015.

hemispheric forums weakens the legitimacy of those institutions and "sends the wrong message about the consolidation of democracy in the Americas."[90]

Outlook

In 1948, Alberto Lleras Camargo, the first Secretary General of the OAS, asserted "the organization ... is what the member governments want it to be and nothing else."[91] This has held true throughout the organization's history, with the OAS engaging in activities and adopting new areas of focus in accordance with the decisions of member states. As an organization composed of 35 diverse nations that operates based on consensus, however, the OAS is often slow to arrive at decisions and prone to inaction. This is especially the case when the hemisphere is ideologically polarized or addressing contentious topics. Nevertheless, even when member states are incapable of establishing consensus on a given issue, the OAS continues to carry out a variety of activities to advance the organization's broad objectives: democracy promotion, human rights protection, economic and social development, and regional security cooperation.

As the organization's largest financial contributor and the hemisphere's most powerful nation, the United States remains influential within the OAS. The organization's objectives in the region are largely consistent with those of the United States, and many of its activities complement U.S. efforts. At the same time, OAS actions (or the lack thereof) do not always align with the organization's stated objectives, and the U.S. government's ability to advance its policy initiatives in the organization has declined over the past 15 years. These conflicting tendencies are likely to continue in the coming years, spurring on the congressional debate over the utility of the OAS for advancing U.S. interests in the Western Hemisphere.

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[90] See, for example, Ramsey Cox, "Menendez: Cuba Attendance Undermines Summit of Americas," *The Hill*, October 2, 2014.

[91] *U.S.-Latin American Policymaking: A Reference Handbook*, ed. David W. Dent (Westport, CT: Greenwood Press, 1995), p. 27.

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