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Subcommittee on the Western Hemisphere**

“Crisis in Honduras”

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I very much appreciate the opportunity to appear before the Subcommittee today to share some thoughts on the current crisis in Honduras, what it tells us about the state of democracy in the hemisphere, the effectiveness and capacity of regional mechanisms to deal with difficult situations that are bound to develop, and the role of the United States in fostering the rule of law, political stability and multilateralism. There is no question that the rapidly evolving situation in Honduras poses a critical test for the US government and the Western Hemisphere.

How has the Hemisphere Responded?

The forcible ouster of President Manuel Zelaya on June 28th bore some of the marks of a classic military coup. That accounts why it produced such a strong regional and international condemnation. The coup particularly touched a nerve in those Latin American countries that have suffered from military rule in the past and struggled to keep the armed forces under civilian control. Censure -- the predominant international reaction -- was natural, understandable, and proper.

In this regard, the Obama administration deserves credit for quickly and firmly condemning the ouster, calling for the reinstatement of President Zelaya, and refusing to recognize the de facto government in Honduras. To have done otherwise would have sent a signal that the United States does not stand on principle and only backs its friends in the region. Weak or approving reactions to past coups have greatly undermined US credibility in the region, especially on the sensitive democracy question. Not only did the Obama administration respond quickly and appropriately, it was reportedly working for weeks before the coup to head off the crisis. The region was closely watching this first test for the Obama administration, and its position drew considerable praise from our Latin American neighbors as evenhanded and forceful.

It is important to recognize that the United States is not the only country with a strong interest in the Honduras situation. Under President Zelaya, Honduras joined ALBA (the Bolivarian Alternative for the Americas), a regional alliance launched by Venezuelan president Hugo Chávez to help curtail US influence, particularly to counter the stalled Free Trade Area of the Americas (FTAA). Zelaya has become one of Chávez's closest allies in the region. Employing the mantle of democratic legitimacy, Chávez has taken advantage of the crisis for his own political agenda. In his rush to defend an ally, Chávez

escalated the tension in Honduras by reportedly putting his armed forces on alert and bringing up the possibility of a military response to the coup.

As is appropriate, the various reactions from the region to the Honduran coup have been channeled through the hemisphere's chief political organization, the Organization of American States (OAS). Secretary General José Miguel Insulza has played an active and highly visible role in trying to represent the views of OAS member governments. Having condemned the coup in the strongest terms, the OAS then gave the de facto government 72 hours to reinstate Zelaya. The Secretary General's brief mission to Honduras to negotiate this reinstatement proved fruitless. On July 4th, the OAS invoked the Inter-American Democratic Charter to suspend Honduras from participating in the organization -- only the second time, after Cuba in 1962, that a country has been suspended. That tough decision was followed by an attempt by President Zelaya, accompanied by the president of the United Nations General Assembly, to return to Honduras. That, too, proved fruitless, as the Honduran armed forces and interim government blocked them from landing. Zelaya then went to neighboring El Salvador, where he was joined by several other Latin American heads of state and Secretary General Insulza.

Having exhausted the course of forcing the return of Zelaya to Honduras without a political agreement or necessary conditions on the ground, the crisis has moved to a more encouraging phase of negotiation. The aim is to try and reconcile the need for democratic legitimacy with the reality of an entrenched de facto government that is apparently supported by most Hondurans.

The designation of Óscar Arias, president of Costa Rica and recipient of the Nobel Peace Prize, as the international mediator in this crisis is a promising development. Arias is the right person for this challenging assignment, and is currently in discussions with the relevant parties in an effort to broker a reasonable compromise. Secretary of State Clinton announced the Arias appointment on Tuesday, and should be commended for shifting the focus from forcing a solution to working one out in concert with Latin American partners. To be sure, negotiations do not ensure a satisfactory resolution. In statements released since discussions began, both sides have reinforced their positions. The results of the first day of talks can hardly be called auspicious. Nevertheless, at least the process is on a more productive track. Today the prospects for reaching a mutually agreeable formula -- perhaps including such possible conditions as early elections, amnesty, or limited powers -- seem better than they did a week ago.

What Caused the Crisis?

The de facto government in Honduras and many of its supporters have been quick to point out that President Zelaya bears a good deal of the responsibility for bringing on the severe institutional crisis that eventually led to his ouster. Their argument has merit. Zelaya defied the Supreme Court and the Congress by attempting to hold a vote to gauge support for reforming the constitution. His goal was presumably to permit presidential reelection, but even proposing an extension of presidential term limits is explicitly barred in the Honduran constitution. It is hard to argue with the claim that Zelaya was eroding

democratic institutions. Such characteristics are important and sharply set this case apart from well-known military junta governments of the past. But even the ruling the Supreme Court issued against Zelaya does not justify calling in the armed forces to remove him from the country. That decision violated a basic principle of the democratic process.

While the institutional crisis was the immediate cause of the coup, a full explanation of what happened would have to refer to the underlying conditions of political polarization, widespread insecurity, and persistent poverty in Honduras. Though the country has had a string of civilian, elected governments, its institutions are notably fragile and poorly equipped to cope with formidable political and economic pressures. Beyond the urgent task of calming the waters in Honduras and seeking a political accord, therefore, it is crucial to focus in the long term on how best to construct viable democratic institutions, defuse polarization, and promote more effective leadership. Such functions should be integral to US policy, though they should particularly be assumed by the OAS and other regional mechanisms.

What are the Challenges Facing the OAS?

The challenges of political polarization and persistent poverty are hardly peculiar to Honduras. They are unfortunately common in Latin America, particularly Central America. Comparable institutional crises have taken place in recent years in the region (in Ecuador, for example), and others are likely to emerge. In this regard, it is valuable to examine how the OAS responded to the crisis and to explore how it might have acted to avert it.

The organization's mandate for defending democracy and conflict resolution implies a preventative function, to address heated situations before they reach a boiling point. It is admittedly very difficult to develop effective mechanisms to alert regional leaders when a situation risks getting out of control. Sensitivities about sovereignty should not be underestimated. But this is an essential function that is appropriate for the OAS. The head-on collision in Honduras was anticipated by many analysts and actors, and yet there was no response – a mission to the country, for example -- from regional institutions to try and defuse mounting tensions.

Once the crisis appeared, the OAS acted expeditiously and took a principled stand condemning the coup. The reaction was unanimous and much commentary focused on how all member governments, as well as European countries, were united on this issue. It is useful to raise the question, however, of whether suspending Honduras from the OAS and issuing an ultimatum for the return of Zelaya was the wisest course. Though defensible in principle, the move seems to have hardened positions on all sides. Having rightly condemned the coup, the OAS might have sought to calm the tensions and begin a dialogue instead of rushing to take a confrontational stance.

The attempted return of Zelaya on July 5th, when he sought to land in Tegucigalpa, was particularly wrong-headed and counterproductive. It may have provided good theater, but it was not at all constructive. The trip was not officially endorsed by all OAS

members – just a few governments pushed the trip, in fact – but the association of the Secretary General with the overall mission contributed to this perception.

While President Arias is now playing the key role as mediator, the OAS remains a relevant actor and should support the efforts to reach a compromise in Honduras. It is important for the legitimacy of the negotiations that OAS member governments be engaged in the process and back efforts to broker an agreement.

What are the Challenges Facing the US?

The Honduras crisis poses two fundamental, delicate challenges for US policy towards Latin America. The first concerns how to deal with the interruption of the democratic process in the region, balancing legality and legitimacy against social peace and governability. The second challenge involves finding an effective multilateral approach that engages with Latin American partners while helping shape favorable outcomes. Both of these challenges are tricky and call for striking the right balance.

To date, the Obama administration deserves generally high marks on both of these fronts. From the outset, it took a principled position on the Honduras coup. At the same time, State Department declarations left some margin for diplomatic maneuver. While it was proper not to recognize the de facto government, it was also important to acknowledge it and keep lines of communication open to explore a resolution. The US needed to bear in mind how decisions that followed its principled stand on the coup – the suspension of Honduras from the OAS, for example – would exacerbate or diminish the polarization that was the root cause of the crisis. From the outset, principle had to be combined with pragmatism.

The Arias mediation role in the current crisis is a welcome initiative. It recognizes that this situation has entered into a phase of negotiation, which is essential to ease tensions and reach a compromise solution that is consistent with the rule of law. The approach also highlights the proper role for the United States in this effort. Sensibly, the Obama administration has resisted past temptations to either dictate its own terms or withdraw entirely from the debate. The United States in this case is strongly yet discreetly supporting an effort by regional leaders and the relevant parties in Honduras. In this sense, the administration is acting in accord with its stated commitment to genuine multilateralism in the hemisphere.

What Can We Learn from the Crisis So Far?

The Honduras crisis has had the beneficial effect of bringing into sharp focus the question of double standards applied to different situations in Latin America. The response to Honduras inevitably raises the question of why there haven't been comparable – or even more forceful – reactions to other serious transgression of democratic norms. Many have recently pointed to the weak regional response to Zelaya's clear power grab prior to the coup. This is an entirely legitimate and valid question, one that merits serious attention and analysis.

Until now, there has been too much silence and passivity in the face of actions a number of countries in the Americas of dubious legality and democratic legitimacy, including recent electoral fraud in Nicaragua, for example. The Honduras case, which in some ways is reminiscent of classic military coups, may be a turning point in this respect. It would be most productive to take advantage of this crisis to shine a light on comparable situations that have not received the scrutiny they deserve. Greater attention at the early stages of democratic breakdown would enhance regional cooperation and the quality of democracy throughout the Americas.

Particular attention should be given to ways of improving the Inter-American Democratic Charter, adopted by all OAS participating members in September 2001. The Charter codifies many of the pertinent instruments related to the promotion and collective defense of democracy in the Americas. The framework is useful, but it can be improved and applied in a more rigorous and consistent manner than it has been to date. It is naïve to pretend that politics and national interests do not influence decisions about whether and how to respond, but so far there has been too little effort to make these decisions in a more systematic and credible way.

A possible reform in the Charter suggested by the Honduras crisis is not to restrict its use to the executive branch, but make it available as well to other branches of government and opposition forces. This change would address one of the principal challenges to effective democratic governance, which is the defiance of democratic institutions to enhance and concentrate executive power. In the case of Honduras under such a reform, other institutions would have been able to invoke the Charter in the midst of Zelaya's power grab and have received a hearing before the OAS. The situation, in other words, might have been dealt with more effectively before it reached such an extreme point. There are a number of other current situations of comparable concern in the region, including the persecution of the opposition and media intimidation in Venezuela. On re-election, the issue is not so much the idea itself, but the way it is carried out and whether the executive is attempting to ride roughshod over other government powers to attain it.

The Honduras crisis helps call attention to the huge democratic deficits present in much of Latin America. The Central American region is troubled in many respects, and the economic downturn has only exacerbated its problems. While it is important recognize the progress that has been made in some spheres in Central America and elsewhere, the Honduras case shows that it would be folly to overlook the profound challenges still facing the region.

For the United States, it is crucial to work multilaterally to address both the immediate, short-term challenges exemplified by the current Honduras crisis, and also the long-term, underlying problems that helped give rise to the crisis. The Honduras situation has given the Obama administration a sense of the kind of challenges that are bound to appear elsewhere in a sometimes unsettled region. In the end, this case will hopefully demonstrate the wisdom of working in concert with regional partners to seek solutions that reflect common sense and pragmatism, but are also anchored in core principles of the rule of law and democratic legitimacy.