

21st Century Threats: Non State Actors, Participatory Democracy and Social Rights

Written by Joel D. Hirst

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<https://www.e-ir.info/2012/01/25/21st-century-threats-non-state-actors-participatory-democracy-and-social-rights/>

JOEL D. HIRST, JAN 25 2012

Where we stand, and what is the problem – a summary

Over the last decades of the twentieth century the western hemisphere witnessed important advances in representative democracy and individual freedom. The forces for freedom have revelled in the collapse of the dictatorships of the past; working hard to see them transformed into representative democracies that are increasingly stable, inclusive, and respectful of rule of law and the basic rights of their people. The Southern Cone; Argentina, Brazil, Uruguay, Paraguay and Chile, for instance, have shed their military dictatorships for democracies – replacing Generals for civilian leaders freely elected by their people through periodic, representative elections.

In the Andes, the political chaos that plagued the mountain nations for so many years has calmed – assuring that elected presidents can at a minimum complete their constitutional mandates. In Central America the violence emanating from the un-ending civil wars has given way to a tenuous peace.

Tragically, the democratic status quo in the Americas has not been preserved. The region is again being menaced by two important forces that threaten the democratic stability and well being of the citizens of the hemisphere: the emergence of a reactionary bloc of states that seek to upend the recent democratic transformation and the rising influence of non-state actors like FARC that threaten to plunge the region into chaos. If these two forces are not successfully counteracted, decades of progress on political and civil rights will be lost.

What is at stake?

The current Inter-American system, under threat by the advance of these new forces, was that which was set in place at the height of modern times and reinforced by the vision of the last generation of democratically elected leaders: people like Raul Alfonsin of Argentina, Alejandro Toledo of Peru, Oscar Arias of Costa Rica, Violeta Chamorro in Nicaragua, and others. Having themselves lived through the violence and instability brought about by a dearth of institutions and representative democracy, they had the wisdom to realize that we are now living in a globalized world; and moved quickly to take advantage of that globalization. In this world, globalization has rived asunder old ideas; such as the (un)limited interpretation of national sovereignty set in place since the peace of Westphalia. This interpretation bestowed upon nation states the freedom from foreign influence without necessarily the corresponding demand regarding the protection of their populations; advancing the idea that they are free to do whatever they want within the geographic confines of their borders.

Understanding the limitations of this interpretation, because they lived them, these visionary leaders moved quickly to cement the important changes using the existing but weak inter-American infrastructure. First they sought to reinforce their economies – again wisely recognizing that the basis for democratic governance is economic prosperity. They set in place pro-growth economic policies and consolidated them into regional organizations like the Andean Community of Nations (CAN), the Southern Cone Common Market (MERCOSUR), the North American Free Trade Agreement (NAFTA), and the Central American Free Trade Agreement (CAFTA). They signed other free trade agreements with the United States, Europe and Asia– each protected by the full weight of international law and

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under the supervision of organizations belonging to the Bretton Woods agreements.

But the movement was much more than economic.

In 1215 King John I of England was forced by the barons to sign the Magna Carta – the first document in the modern world which established the principle of the fundamental, individual rights of man. In signing this document, King John was forced to recognize that, while his power was *total*, it was *not arbitrary*. From that moment, and building on these ideas, humanity has assembled a multiplicity of treaties and accords that progressively ratify our individual rights. As humanity progressed, increasingly enlightened citizens have recognized that civil and political rights are individual, universal, progressive, irreversible and un-renounceable. Understanding that these advances revalidate the progressive march of individual rights that began with the Magna Carta; these wise hemispheric leaders began the slow process of consolidating the democratic advances through the formation of organizations to protect their basic individual rights as well.

This reality was cemented through the adoption of increasingly coherent charters and treaties which protect the aforementioned rights; agreements such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The OAS itself was founded as the first international organization which was not simply a club for member states. Instead, through the American Declaration of the Rights and Duties of Man, it became a union that brought together countries based upon values and principles of individual human freedom and free market capitalism. This was deepened through the American Convention on Human Rights – which created the Inter-American Commission on Human Rights and its corresponding court. The final step in this process has been the Inter-American Democratic Charter.

On September 11, 2011 Lima signed the Inter-American Democratic Charter, a treaty of the Organization of American States (OAS). This charter, which has become customary international law for the hemisphere, cements the inviolability of individual rights for all populations of member states. And, for a short moment, we revelled in a democratic and free hemisphere – with the sole, unacceptable exception of Cuba.

Moving beyond this, many countries continued to increase their active participation in organizations such as the United Nations – some even leading peacekeeping missions such as Brazil in Haiti or the Uruguay in the Democratic Republic of Congo. The Westphalian system of nation states used as defence for internal oppression is beginning to erode.

These advances, which are without precedent, led many hemispheric leaders to lower their guard and declare victory, presuming that the democratic successes achieved were irreversible and that the region was guaranteed a future of liberty and democratic stability within the confines of the rule of law (nationally and internationally).

The victory was short lived.

Participatory, Protagonist Democracy and 21st Century Socialism

First, and starting with Venezuela, a new model of dictatorship is extending its tentacles throughout a region still anxious to live in peace. Using the terminology, if not the intent, of the current world order, this model has been called “participatory and protagonist democracy[1]”, the political model which is followed closely by “Socialism of the 21st Century[2]”.

In member countries, this mis-named “participatory democracy” is nothing more than a new attempt to return to a pre-Magna Carta world in which feudal lords exchange security and patronage for loyalty – and when their power becomes again not only *total* but also *arbitrary*. The mechanism seeks to dilute all the institutionalism of government built within representative democracy – effectively replacing it with the simple act of voting, as the public and constant demonstration of support to the new feudal lord, or “caudillo”. What Juan Boche, one time president of the Dominican Republic called “Dictatorship with popular support[3]” is threatening the democratic institutions of Ecuador, Venezuela, Nicaragua, and Bolivia – with its sights set on Peru, Honduras, El Salvador and the Dominican

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Republic.

As is often the case, the devil is in the details. In their zeal to eliminate representative democracy in order to extend and deepen their power, countries participating in the political project of Venezuela and the Forum of San Paulo have attacked the institutions of democracy which protect the rights of all individuals, within the confines of constitutional order. They seek to achieve their aims by reordering the political, economic and military domains of the state to better suit their narrow interests.

Politically, they weaken the separation of powers, co-opting the institutions of the state in order to advance their new political model. After succeeding, they use the country's civil service as emissaries of their political plan by progressively eliminating the important distinctions between party, government (or administration) and state. They use constituent assemblies (currently being discussed in Honduras, Peru and El Salvador) to set up their chaotic participatory democracy which permits them to deepen their power and perpetuate themselves in office indefinitely. By stacking the courts, controlling electoral councils and manipulating parliamentary elections they obtain full control over the weak institutions meant to balance power. And they use conflict to build and maintain their "permanent majorities[4]" with tired calls to class warfare. Above all, they use a centralized and secretive government to attempt to manipulate their constituencies indefinitely.

Using the mechanisms previously presented, they weaken the principles of rule of law which have come to the world since the time of the Magna Carta, replacing individual rights: civil and political; with communal rights: economic, social and cultural. "What does free speech matter," they say at the United Nations Human Rights Commission in Geneva, "if I can't read. What does freedom of association matter, if I don't have a house," and with this argument they wrest the inviolable individual rights from the people – transferring them to the states using the excuse "I must have more power, in order to give the people what they need." Rights which have become defined as individual, universal, progressive, irreversible and un-renounceable end up becoming gifts of the government, which grants them to their constituencies via plebiscites and referendums within the macro political plan.

In the economic realm, they use discredited statist models based upon the feudal notion that instead of acting as mediator and guarantor of the rule of law and private property, the state should assume direct responsibility over providing for the basic needs of their permanent majorities – they violating the fundamental principle of private property when they see it as necessary or desirable. For example, in Venezuela Hugo Chavez has nationalized over 600 businesses; passed restrictive laws on property rental and ownership; and has consolidated control over more than 50% of the chain of production and distribution of foodstuffs.

To get away with this, these leaders also manipulate the principle of national sovereignty to hedge against the international community intervening under the terms of international treaties and principles. Towards this end they chastise their adversaries as "imperialists," and invoke the principles enshrined in the Treaty of Westphalia in order to defend their right to brutalize large segments of their populations. "Our people are sovereign," they say, before parroting Louis XIV, "and *I* am the people."

And finally, they reduce the national militaries to a partisan and personal force used to not only uphold their political project from internal and external threats; but to also actively participate in civil life on behalf of their political plans. Furthermore, by appealing to an external invasion that will never come, they change their military doctrines to place greater emphasis on "asymmetric warfare[5]" and, with that, bring themselves into legal grey areas by making common cause with Non-State Actors such as the FARC.

These states then seek to cement their new political economic and political model, by creating international organizations to legitimize them. In doing so, they destroy the aforementioned organizations, treaties and charters established to protect individuals within their societies. Instead, they replace them with organizations at the service of their political project.

For example, the recently created Community of Latin American and Caribbean States (CELAC) was established, with its corresponding Democratic Clause (similar to the one adopted by MERCOSUR) which seeks to defend

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governments from their people – an important distinction. While this call for the rejection of coups would appear legitimate; it is important to note that the fiercest proponent of this clause is Ecuadorian President Rafael Correa. Correa used a police dustup in 2010, which he characterized as a coup, to consolidate control and prop up his waning popularity[6].

To protect themselves from their detractors, member countries of this political project use their powerful propaganda machines to promote “social charters” which pretend to define and guarantee the economic, social and cultural rights which are meant to replace civil and political rights. These new rights are expressions of the new social contract between the feudal lord and their subjects: which are paid for by absolute loyalty demonstrated an infinitum through referendums and plebiscites.

This model has an increasingly important infrastructure in the Bolivarian Alliance of the Americas (ALBA) – which has eight member countries and influences others through its association in the San Paulo Forum.

And they have important financial support through petro and narco dollars.

Non State Actors: Terrorism and Drugs

But this is not the only challenge confronting democracy in the hemisphere. The second threat to representative democracy in the Americas, which has the potential to reverse the democratic advances of the 20th century, is the increasing presence of the aforementioned Non-State Actors. These are fed by drug trafficking and other iterations of organized crime, which leads to an increase in criminality, violence and corruption. The NSAs discussed here are terrorist organizations or guerrilla armies; organizations which attempt to usurp the functions of the state, especially the legitimacy of the use of force, to create geographic areas which are under their sole control and which can be used for their economic and political ends without the corresponding responsibility to their constituencies. Think Al Qaida within Taliban Afghanistan.

Manipulating weak institutions and the lack of opportunities within important segments of society, groups of organized criminals have established mini-states within some countries in the region. Taking advantage of enormous drug markets in the United States, Brazil and Europe – where the shameful consumption of these controlled substances continues unabated – these narco-criminals have created networks of processing, storage, transport and money laundering unparalleled in history[7]. In Mexico and Central America this reality has arrived at its most important level, where drug traffickers control important geographic areas and can count on the support of politicians.

Most recently, these groups have made common cause with some of the new authoritarian governments in the hemisphere: such as Venezuela, Bolivia and Ecuador.

An effect of this new challenge, and promoted by the authoritarian governments that find political value in these groups to advance their political project, is the increased presence of other NSAs such as Hezbollah, the Basque terrorist group ETA, the Peruvian terrorist organization MRTA, and the Irish Republican Army. These use the same geographic areas, networks, laundering and trafficking mechanisms to advance their own agendas.

The increased coordination between authoritarian “21st Century Socialist” governments and the NSAs discussed here has reached its maximum expression in Venezuela; where the entropy brought about by the decay of the institutions of government in Venezuela – a bi-product of their political project – has allowed the activities of the state and terrorist organizations to merge. For example, through Venezuela, Bolivia and Ecuador 2/3 of cocaine flows; a product which has a street value of over \$90,000,000,000 a year[8]. These same countries have all eliminated or greatly reduced the ability of the US Drug Enforcement Administration to operate, further facilitating the drug trade. Think Manuel Noriega’s Panama.

This reality has not only increased the violence and criminality in the region; or reduced the individual civil and political liberties of people living inside these regimes; but it has also elevated the possibility of regional conflict. Irresponsible governments which shirk from their responsibilities within the globalized world, including their obligation

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to honor their commitments under international law, are difficult if not impossible to deal with diplomatically when tensions arise. When they use their belligerence to strengthen NSAs, providing safe haven to terrorist organizations and using their financial infrastructure to relieve the pressure of sanctions on other allies seeking themselves to flout international law, they prove an exasperation to responsible governments seeking to make the world safer and incrementally more free. Should this exasperation reach its highest level through the act of a NSA against an asymmetric target, or should the criminality emanating from these countries become an issue of international concern, the result could be war. While belligerent conflict is always the last recourse; in the face of a real threat nurtured by irresponsible and authoritarian regimes it becomes a very real possibility.

Now What do we Do?

Nevertheless, there are steps which could and should be taken to combat this new authoritarian ideology and its relationship with NSAs. The first step – as always – is defining the problem. With the crushing propaganda which these new authoritarians use, many times it is difficult to articulate and make heard the challenge. This increases the need to unmask the political project; making reference to more than 800 years of history – our progressive history that brought us such difficultly won rights. It is also important to identify clearly the forces that oppose the current, globalized world order of individual rights, representative democracy and free market globalized capitalism, in order to neutralize their efforts. Finally, it is paramount to nurture an extensive network of activists, think tanks, non-governmental organizations and political parties that defend representative democracy and its corresponding civil and political rights as laid out by the treaties, covenants and conventions that most countries have signed. This all must lead to a robust global debate which will end once and for all the conspiracies that seek to eliminate these rights so hard won.

Finally, it is important to nurture the supra-governmental, post Westphalian organizations that protect our globalized rights. This is a difficult task; due to the “one nation, one vote” procedures of the United Nations which give smaller and poorer (and thereby at times more easily influenced) – and often undemocratic – nations the same weight as countries most energetically promoting the defence of representative democracy. These nations too often buy into the idea of the aforementioned communal rights and have begun to adopt their own charters which defend their versions of rights; often at the expense of the less comfortable, more challenging civil and political liberties.

Despite these challenges – the communities of the west must defend the pre-eminence of political rights; understanding that without these the world would move hundreds of years back in history to a darker and more dangerous time.

Only with clear, unwavering vision and courage of our forefathers, to whom we owe so much, will we continue to live in a world of freedom, liberty and justice for all.

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