



BIPARTISAN POLICY CENTER

STATEMENT OF FORMER COLOMBIAN PRESIDENT ALVARO URIBE

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“Challenges to Democracy in the Western Hemisphere”

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Chairman Salmon, Ranking Member Sires, Members of the Committee, I appreciate the opportunity to appear before you today.

Introduction

Whereas military dictators, brutal Marxist guerrillas, and one-party systems affected much of Latin America’s democratic progress throughout the 20th century, the current slow pace of democratic progress in some Latin American countries is due to the rise of radical populist governments. Venezuela, Bolivia, Ecuador, Nicaragua, and, of course, Cuba, dominate their respective political landscapes through abusive speech and media restrictions, as well as laws that limit political opposition and give sweeping executive power.

Because democratic deficiencies vary on a country-by-country basis, this brief testimony will focus on discussing the most salient threats to democracy in a handful of countries in the region. Furthermore, because certain nations in the region provide positive examples of strong and vibrant democratic institutions, part of this testimony will address those success stories.

Background: Recent History of Latin American Democracy

Throughout the twentieth century and into the twenty-first, Latin America has had a volatile, yet hopeful, history of democratic development. While representative democracies were strong in certain countries—including my own Colombia—others have struggled for the better part of the century to develop democratic societies. The Cold War presented additional setbacks to regional democracy, as oppressive military governments emerged throughout the region to combat the perceived threat of violent Marxist guerrillas.

The thaw of the Cold War marked a cooling of heated regional tensions marked by civil war and authoritarian rule. Countries like Guatemala, El Salvador, and Nicaragua all adopted democratic systems in the early 1990s, and Chile’s military dictatorship was pushed out by popular vote in 1990.

By the year 2000, much of the region had undergone positive institutional and democratic transitions. One would expect, then, that the recent decade would have been marked by a steady increase in regional democracy. Sadly, however, uniform democratic progress throughout the region has not been the case. While Cuba remains the only country in the hemisphere not operating under an electoral democracy, there are profound variations in the quality and performance of the democratic institutions in the region.

ALBA Countries

The major ALBA (Bolivarian Alliance for the Peoples of Our America) nations of Venezuela, Bolivia, Ecuador, and Nicaragua (along with Cuba) are all governed by leaders who continuously violate democratic values.

Venezuela

Congress should be very familiar with the Venezuelan government's hostility to democracy. Beginning with his landslide presidential victory in 1998, Hugo Chavez transformed the oil-rich Venezuela into the hemisphere's neo-Castrist vanguard until his death earlier this year. Chavez's first worrisome move in office was in early 1999, when he oversaw the formation of a 165-member, Chavez-leaning constituent assembly that would go on to draft a constitution that increased executive powers, and created a new, more manipulative national legislature.ⁱ Later, in 2004, Venezuela's judicial independence—the hallmark of successful democracies—was compromised when a new law expanded the number of Supreme Court justices from 20 to 32, allowing his ruling coalition to select the majority of justices as well as nullify the appointment of sitting justices.ⁱⁱ Chavez's coalition did just that, and Venezuela's highest court to this day remains in their control, having in recent years used its authority to further entrench the agenda of Chavez and his successor, Nicolas Maduro.

In September 2010, dismal economic performance and rising crime rates allowed the opposition to win enough Congressional seats to deny Chavez's coalition a three-fifths Parliamentary majority. In typical Chavez fashion, the outgoing National Assembly approved a handful of laws limiting civil society, democratic governance, and free speech just weeks before they were to lose their three-fifths majority. Most alarming was the approval of an "enabling law" that granted the president 18 months of near-limitless power.ⁱⁱⁱ Until his death, Chavez used the decree power to further debilitate his opposition and silence his critics, all while exploiting his king-like stature to misappropriate Venezuela's vast oil wealth to fund his unsustainable welfare system.

That Chavez's whimsical economic policies have placed his country at high economic risk is no surprise. Despite benefitting from high global oil prices, Chavez's increasingly centralized economic initiatives have destroyed investment climate, threatened foreign investors and blocked private initiative, while giving Venezuela one of the world's highest inflation rates (22.8% in 2012).^{iv} Such economic turmoil has played no small role in Venezuela's precarious security situation, as the national homicide rate in 2011 was 45 per 100,000 people, third in the region only to El Salvador and Honduras. Despite having cut the average poverty rate, Chavez's approach to eliminating violence through decreasing inequality has proven to be a complete failure, as homicides have jumped during his regime from 5,000 homicides in 1999 to 19,000 in 2011.

Regardless of the debate surrounding possible electoral fraud, Venezuela's place at 165 out of the 174 countries ranked in Transparency International's 2012 Corruption Perceptions Index (just ahead of Somalia, North Korea, Afghanistan, and Sudan) clearly indicates that Chavismo's dominance has been achieved by anything but democratic means.^v While nations like the Democratic Republic of the Congo and Zimbabwe are often cited in discussions on the poor state of global democracy, the fact that a diplomatically influential nation in our own hemisphere ranks even more corrupt is deeply concerning.^{vi}

Limiting dissident voices has been a hallmark of Chavismo, and the closing of national and local media outlets has placed Venezuela in the category of a regime that denies freedom of speech,

combats free press, and violates international human right treaties. Chavez's hand-picked successor, Nicolas Maduro, has shown no sign of veering from his predecessor's policies and rhetoric, as his first major move was to use his party's state funds and institutions to narrowly win April's presidential elections.^{vii}

According to the Venezuelan Press and Society Institute (IPYS Venezuela) the Chaves-Maduro regime has continued to penalize journalists and media organizations that criticize the government, violating the principles of free press. Some of those cases include *Diario del Caroni* and *La Mañana* in the States of Bolivar and Falcon, and journalists like Leonardo Leon, Nelson Bocaranda, Enrique Otero, and Leocenis Garcia, among others.

Bolivia

Bolivia's Evo Morales, in office since 2006, was elected on a platform ideologically similar to that of President Chavez. While his policies are less socialist than his rhetoric suggests and are less hostile to democratic institutions than those of his late Venezuelan supporters, Bolivia under Morales is far from fair and free. A cornerstone of any democratic nation is a strong judicial system, and Bolivia's legal institutions suffer numerous deficiencies. A chief concern is the frequent arrest and imprisonment of judges, military officials, and other former or current government personnel on loose charges. Those who are arrested frequently face unlawful detention, and it is not uncommon for a detained individual to exceed the 18-month pretrial detention limit. In 2012, the U.S. Department of State reported that 84 percent of prisoners in Bolivia were still in pretrial detention.^{viii} While Bolivian law provides for an independent judiciary, Bolivia's judiciary is weak and overburdened. A report from the UN Office of the High Commission for Human Rights found that in 2012, criminal court judges had a backlog of 129,000 cases, and examples exist of authorities pressuring judges to change unfavorable verdicts.^{ix}

Morales has deepened his hold on power through a relentless attack on free speech. Morales, who stated last year that there is "too much freedom of expression" in Bolivia, benefits from Bolivian laws that limit free speech, one example being a far-reaching telecommunications law passed in July 2011.^x

Although the Bolivian economy has experienced positive economic indicators, primarily due to commodity prices, the country lacks investment confidence and the private sector operates on permanent uncertainty, derived from interventionist government policies. The acquisition of media corporations by the state, as well as the use of the judicial apparatus to target government opponents, such as former President Jorge Quiroga, are vivid demonstrations of Morales' use of anti-democratic means to silence any form of opposition

Ecuador

In 2008, Ecuador's Rafael Correa co-engineered the removal of over half the members of Congress in order to form a constituent assembly, which went on to draft a constitution that gave the president greater control over the economy, strategic sectors like oil and mining, and the ability to abolish the National Congress once each term.^{xi} Such powers have been used for hostile aggressions against the private sector, foreign investors, and entrepreneurs that do not agree with his policies. Correa's consistent attacks on free speech pose another great threat to Ecuadorian democracy. Consistent with Correa's history of hostility toward free speech, independent media is the target of a communications law passed by the National Assembly in June 2013. One of numerous stringent

features, the law legalizes the use of criminal charges to respond to broadcast and print media allegations made against public officials.^{xii}

Despite the current positive performance of the Ecuadorian economy, triggered by oil prices and significant levels of public expenditure, private investment levels remain low due to permanent government hostility and lack of long-term investor confidence.

Nicaragua

Sandinista (FSLN) President Daniel Ortega assumed office in 2006 and began his first term by pushing legislation that consolidated his power over the central bank, the police, and the military.^{xiii} Ortega's quest to further consolidate power through anti-democratic means was first observed in 2008, when independent observers documented fraud by FSLN candidates in 40 of 146 municipal elections.

In 2009, amidst strong opposition from the National Assembly, Ortega and more than 100 FLSN mayors successfully petitioned Nicaragua's Supreme Court to lift the constitutional ban on consecutive presidential terms. Through his subsequent packing of the Supreme Electoral Council (CSE), Ortega was reelected in a landslide victory rife with irregularities that included the poor distribution of voting cards, mismanagement of voter registries and polling places, and concerns about the composition of electoral boards. In addition to Ortega's victory, the elections—in which international observers were not fully involved—gave Ortega's party an overwhelming majority in the National Assembly. In the country's May 2012 municipal elections, the FSLN won 134 of 153 municipalities, again with alarming irregularities that included outdated voter rosters, repeat voters, and voters being turned away at polls.^{xiv}

The FSLN's ability to consistently dominate national and municipal elections, coupled with a judiciary and Supreme Court that has come to be controlled by FSLN appointees and judges, makes Ortega, regime a serious threat to foreign investors and private initiative, insuring business climate conditions only to business leaders that favor the government policies.

El Salvador, Guatemala, and Honduras

El Salvador and Guatemala have undertaken positive democratic transitions since the end of their respective civil wars. Solid political parties have emerged, independent institutions have been strengthened, and a stable constitutional order has become an asset to attract foreign investors and improve the business climate in both countries. Their respective economic policy frameworks have allowed both countries to face stable growth and introduce more profound social policies in favor of the most vulnerable population.

Despite their efforts to prevent the expansion of organized crime through hand-in-hand prevention and penalization policies, the presence of narco-trafficking networks as well as criminal gangs known as *maras* have become notorious, and their rise has contributed to inter-related factors that include operational weaknesses in security and justice systems.^{xv}

Though the ongoing truce established in March 2012 between the two largest *maras*, the Mara Salvatrucha and the 18th Street gang, has resulted in a significant drop in the region's homicide rate, these countries require long-term institutional solutions. Security forces and judicial bodies in Guatemala, El Salvador, and Honduras are in need of stronger international cooperation in order to improve their training, functional capabilities and rapid response to face security threats. Programs

to prevent gang activity through economic and social means entail more support from the international community.

In Honduras, the 2010 elections that followed the 2009 exile of President Manuel Zelaya, which resulted in the election of Porfirio Lobo as a Honduras' new president, have allowed the country to undergo a reconciliation process among political groups and create a more stable investment climate.

Despite a truce established in June 2013 between the Honduran bases of the Mara Salvatrucha and 18th Street gangs, homicides, violent land disputes, and attacks against journalists persist. Because of its long Caribbean coastline, organized crime related to cocaine routes through the country is an issue.^{xvi} Although there is an institutional commitment to face the situation weaknesses in its anti-crime structure have contributed to Honduras's dire security situation, giving it the current highest homicide rate in the world.^{xvii}

Notwithstanding that the Salvadorian economy has been performing in a positive fashion, it must be said that high dependency on remittances from the United States as well as Venezuelan government grants through oil price subsidies or rural lending, is not sustainable and allows the Chavez-Maduro regime to request political favors in return.

Other Challenges faced by Democratic States

Mexico

Since President Felipe Calderón initiated an open and brave effort to combat Mexico's numerous entrenched narco-trafficking organizations immediately following his 2006 election, over 60,000 Mexicans have lost their lives to the ensuing violence. Though criticized, Calderón was the first president to bravely address the growing threat posed to the state by Mexico's drug cartels, who for decades have attempted to corrupt portions of Mexico's security forces, judicial officials, and high and low-ranking members of local, state, and federal government. Calderón's decisiveness allowed the strengthening of Mexican institutions to combat the power of major drug cartels.

Calderón was succeeded in 2012 by the PRI's Enrique Peña Nieto. To address Mexico's drug-related violence, Peña Nieto has promised an approach to combating the influence of the cartels by creating a police force stronger by 40,000 men, while strengthening the investigative capabilities of Mexico's Federal Police.^{xviii} Among the victims of the drug-related violence are Mexico's journalists. Calderón and Peña Nieto's efforts have shown that drug cartels can be effectively confronted as powerful kingpins have been arrested and hitmen structures have been dismantled.

Colombia

In 2002, Colombia experienced 28,000 homicides, 2,800 kidnappings, 1,645 attacks by terrorist groups, and guerrilla or paramilitary control of over 350 municipalities. Beyond the fact that Colombia's geography and climate have made it the world's largest producer of illicit cocaine, weak institutions on a local, state, and national level contributed to the violence.

To restore institutional order and to protect individual liberties my administration developed the Democratic Security policy, focused on protecting vulnerable civilian populations, strengthening local, state, and national governments, and targeting the drug-based revenues of Colombia's criminal organizations. Democratic Security was implemented hand-in-hand with strong investor

confidence and a strengthening of Colombia's social safety net. Thanks to the execution of these three pillars we won back state presence in villages and towns through the combination of military operations and then by listening and responding to the needs of citizens at town hall-style meetings.

With the trust and support of a greater number of Colombians, the military successfully forced the FARC out of its strongholds and slashed its size by more than half, down to 6,800 members by 2010. Colombia's other security threat in 2002 was the country's various violent paramilitary forces. In 2005, the Justice and Peace Law demobilized over 30,000 members from Colombia's largest paramilitary organization, the AUC, while holding responsible those who committed serious crimes against Colombian citizens. The same legislation was also applied to FARC and ELN members, demobilizing 18,000 members who now seek an honorable way of living with government and private sector support. By the time I left office, Colombia's homicide rate had been reduced by 50 percent, kidnappings by 80 percent, and terrorist attacks by 90 percent.

Today, the Colombian Government is involved in peace talks in Cuba with the FARC. Various leaders of the terrorist group have openly requested a Constitutional Assembly, widespread impunity, and Congressional representation for its members in return for peace. The danger of granting impunity has been clearly demonstrated by recent resurgence of terrorism in Colombia. FARC attacks in the first half of 2012 rose 52 percent compared to the previous year, including the killing of two and wounding of eleven police and military personnel in April. Last year also saw a 173 percent increase in oil pipeline bombings. Not only is the FARC unwilling to relinquish its terrorist tactics, it hopes to force the government to compromise through its renewed campaign of terror.

The kind of peace that my administration promoted with illegal armed groups entailed no impunity for crimes against humanity, the obligation to unveil the truth about all of their criminal activities, victim reparation, immediate release of kidnapped people, unilateral cessation of criminal activities, no policy agenda or Constitutional amendment on the table, and international verification of disarmament. Those principles were applied within the peace process with the Paramilitary Groups and offered to FARC and ELN as well.

Regional Success Stories

Chile and Uruguay

Chile represents one of the most developed democracies in the region. Independent institutions, strong rule of law led by an independent judiciary, a business environment favorable to private initiative, and a successful social safety net are some of the characteristics of the Chilean order. The sound democratic architecture has allowed the country to attract foreign investors, consolidate long term state policies and turn its economy into one of the most stable in the region. Chile boasts Latin America's most stable, global-minded economy, while consistently ranking in the top tier of studies measuring institutions, civil liberties, and political rights.

Like Chile, Uruguay has demonstrated that strong institutions and a vibrant democracy are key ingredients for economic and social progress. Uruguay has become a regional star for creative industries, high tech, and mobile services. The consolidation of independent institutions and long term consensus among private and public sector leaders has allowed Uruguay to expand its commodity markets while facilitating the transition to intellectual property aggregated value goods and services.

Uruguay and Chile have also achieved significant social results. Education, health, and public utilities coverage are one of the highest in the region.

Brazil

Brazil in the last twenty years has also proven that a country can emerge from authoritarian rule to form strong democratic institutions. While large and ambiguously motivated protests in July drew much international attention to the Brazilian government, Brazilian economic performance and democracy have made important strides since President Fernando Henrique Cardoso's (1995-2003) reformist agenda charted Brazil's present course.

Peru

The consistent policy agenda that has evolved from Alejandro Toledo, Alan García and currently Ollanta Humala, has made Perú a country with a stable currency, a fast growing export apparatus, an attractive place for Foreign Direct Investment and sustainable poverty reduction.

The consistency of the last three administrations regarding a national security agenda has also allowed the Peruvian institutions to effectively dismantle the presence of narco-terrorist cells in some areas of the country. Peru currently represents one of the region's more promising societies, recognizing that more socially inclusive policies ought to be deepened.

Triggers of Change

The potential for positive change in growth in the years ahead is not an accident; it is a consequence of the consistency, congruence and sense of urgency that a group of countries have adopted as their policy cornerstone. Brazil, Mexico, Colombia, Chile, Peru, and Uruguay represent 70 per cent of the region's population and 75% of the regional GDP.

This group of countries has common characteristics that explain their outstanding performance:

- *The strengthening of Liberal Democracy.*
- *The adoption of an institutional Framework in favor of foreign and national investment.*
- *The construction of a sound and sustainable social safety net.*
- *The expansion of export markets and the commercial integration with the world (through free trade agreements).*
- *A public administration driven by results and the elimination of the byzantine ideological debate between left and right.*
- *A sound macroeconomic administration driven by fiscal and monetary prudence.*
- *Better regulatory environment.*
- *Construction of strategic infrastructure.*
- *The consolidation of an innovation agenda leaded by an improvement in education.*
- *A well capitalized financial sector and the constant expansion of financial services.*

Today countries like Panama, Dominican Republic, Costa Rica, Guatemala, Salvador, Honduras, and Paraguay, as well as most of the Caribbean States, are following this line of behavior. Because of that, the IDB, with Luis Alberto Moreno as its leader, many analysts, statesmen and prestigious publications like The Economist, are optimistic and talk about "The Latin American Decade."

Countries that opted for a sound evolution of policies have motivated sustainable positive change. Countries that have opted for a “Revolution” to accommodate the institutional order in favor of an ideology have been shown to be the ones with instability, limitation of individual liberties, government intervention, lack of confidence from investors, and a growing social polarization with the risks of political turmoil’s.

Opportunities for Improvement

The Role of Multinational Organizations: The OAS

Many discussions of the current state of Latin American democracy inevitably turn to discussing to what extent the activities of multinational organizations like the Organization of American States or special initiatives like the United States’ Plan Colombia have positively affected democratic institutions throughout the region. With its weighty responsibility to promote regional democracy firmly in mind, the OAS in 2001 created the Inter-American Democratic Charter (IADC). The IADC was written to ensure “the effective exercise of representative democracy” through a more cooperative effort among the 34 member states to defend against any perceived threats to democratic stability.^{xix} The IADC will mark its twelfth anniversary this year on September 11, and those twelve years have been filled with institutional and regional setbacks that have only rendered the OAS more incapable of promoting regional democracy.

The IADC’s current ineffectiveness is due in large part to the fact that in 2001 Latin American leaders were much more likely to cooperate with each other. Some analysts and political scientists explain the problem, asserting that in 2001 “a broad elite consensus existed across the Americas in terms of support for representative democracy and free markets, as well as cordial U.S.-Latin American relations.” They note, however, that the political climate has changed, that “over the past decade, this relative harmony has given way to increasing fragmentation, a decline in U.S.-Latin American relations, and a heterogeneity of competing political and economic ideas.”^{xx} Such a diagnosis is accurate when one observes the ALBA bloc that has in less than ten years emerged as a key player in regional policy with a populist ideology completely contrary to democracy. As a result, the IADC, or any similar structure, does not enjoy consensus approval and is therefore incapable of being fully implemented throughout the region.

Any positive initiatives the OAS does pursue are extremely limited by the OAS’s small and further-diminishing operational budget.^{xxi} For the 2013 fiscal year, the OAS operates on a budget of \$83.1 million. Though the OAS is not a police force, it would be absurd to assume that this amount can sufficiently fund the OAS’s task to promote regional democracy by monitoring elections, improving regional security policy, and training scores of judges and government officials.

The Need to Support Institutional Security Efforts in Central America

In order to prevent drug-related violence from continuing to threaten democratic institutions in Central America, stronger support ought to be given by more developed democracies in the hemisphere in four priority areas: a) judicial training and technical assistance; b) police and military anti-drug capabilities improvement; c) social programs and demobilization agendas for gang members; and d) youth unemployment policies that prevent recruitment by illegal armed groups.

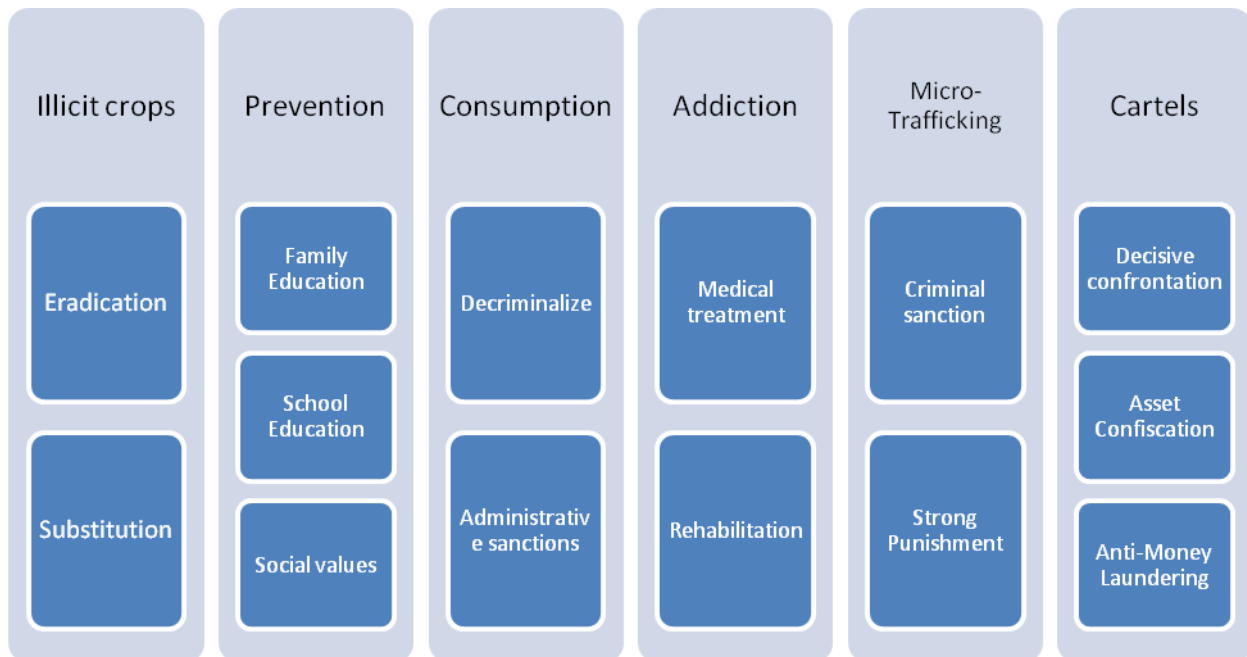
Such areas of intervention can be successfully implemented through multilateral development bodies like the Inter-American Development Bank and the World Bank, and bilateral assistance.

Bilateral and Multilateral Actions Must be Implemented to Face Venezuela's Dictatorship in Disguise

The current suppression of human rights, civil liberties, and democracy in Venezuela must not remain without effective denouncement from democratic nations in the hemisphere and the world. Bilateral and multilateral pressure to ensure due rights for the opposition as well as the need to guarantee free press and free speech must take place in order to prevent the emergence of an unsustainable social conflict with unimaginable consequences.

Regional Anti-Drug Framework

Drug-related criminal organizations remain one of the major threats to institutional order in many Latin American countries. Consumption has also become a regional challenge and micro-trafficking in urban areas threatens young populations. Thus the countries in the hemisphere must work jointly to build a framework that considers the following seven elements:



The Colombian Constitution has three main provisions for a logical approach against drugs: 1) No criminalization of consumers, but instead the introduction of administrative, educational and medical treatment mechanisms; 2) education with preventive public health policies; and 3) prosecution of narco-traffickers and distributors. The principles that have been incorporated in our constitution represent the essence of the kind of anti-drug policy that can guide all institutional efforts in the region to dismantle drug cartels and their financial and operational capabilities, while introducing policies that can prevent consumption and create a collective action against consumption. If we do not strengthen regional anti-drug policies, we risk fueling future threats to democratic institutions.

I reiterate my gratitude to all the members of this Committee for allowing me to share some thoughts about Latin America.

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