LATIN AMERICAN DEMOCRACY

EMERGING REALITY OR ENDANGERED SPECIES?

Edited by
Richard L. Millett, Jennifer S. Holmes, and Orlando J. Pérez

Latin American Democracy

Nearly thirty years have passed since Latin America began the arduous task of transitioning from military-led rule to democracy. In this time, more countries have moved toward the institutional bases of democracy than at any time in the region's history. Nearly all countries have held free, competitive elections and most have had peaceful alternations in power between opposing political forces. Despite these advances, however, Latin American countries continue to face serious domestic and international challenges to the consolidation of stable democratic governance. The challenges range from weak political institutions, corruption, legacies of militarism, transnational crime, and globalization among others.

In *Latin American Democracy* contributors—both academics and practitioners, North Americans and Latin Americans—explore and assess the state of democratic consolidation in Latin America by focusing on the specific issues and challenges confronting democratic governance in the region.

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Routledge
Taylor & Francis Group
NEW YORK AND LONDON

First published 2009
by Routledge
270 Madison Ave, New York, NY 10016

Simultaneously published in the UK
by Routledge
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

Routledge is an imprint of the Taylor & Francis Group, an informa business

This edition published in the Taylor & Francis e-Library, 2008.

"To purchase your own copy of this or any of Taylor & Francis or Routledge's collection of thousands of eBooks please go to www.eBookstore.tandf.co.uk."

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Library of Congress Cataloging in Publication Data
Latin American democracy : emerging reality or endangered species? / edited by Richard L. Millett, Jennifer S. Holmes, Orlando J. Pérez. – 1st ed.
p. cm.
Includes bibliographical references and index.
1. Democracy–Latin America. 2. Political participation–Latin America. I. Millett, Richard L. II. Holmes, Jennifer S. III. Pérez, Orlando J.
JL966.L3585 2008
320.98–dc22
2008028849

ISBN 0-203-88418-3 Master e-book ISBN

ISBN10: 0–415–99047–5 (hbk)
ISBN10: 0–415–99048–3 (pbk)
ISBN10: 0–203–88418–3 (ebk)

ISBN13: 978–0–415–99047–9 (hbk)
ISBN13: 978–0–415–99048–6 (pbk)
ISBN13: 978–0–203–88418–8 (ebk)

To my wife Denice for her patience and support and to my daughter Patricia Millett whose dedication to promoting the rule of law both inspired and informed my work.
RLM

To Patrick, Trevor, and Chipper for making life fun.
JSH

To my wife and kids, Leyda, Rogelio and Alexandra for their constant love and support.
OJP

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Acknowledgments

In developing a volume such as this one editors incur debts difficult to repay but essential to recognize. The idea for the book originated with Richard L. Millett. Thus, Jennifer S. Holmes and Orlando J. Pérez wish to express our gratitude to Richard for asking us to accompany him on this journey. The initial conversations for the volume were held at the 2005 meeting of the Midwest Association for Latin American Studies (MALAS) in St. Louis, where a number of scholars and practitioners met to discuss the need for a project to evaluate the challenges facing contemporary Latin American democracies. The intent was to bridge the divide between original scholarship and policy analysis by including as contributors both practitioners and academics. Both the 2006 MALAS meeting in Managua and the 2007 MALAS meeting again held in St. Louis provided opportunities for some of the contributors to meet with the editors and present their papers to a multidisciplinary audience. We therefore owe a debt to MALAS for providing an ideal venue to explore and expose the ideas, theories, and analysis that serve as the basis for the volume. Of course, our first and biggest debt is to our contributors whose hard work, dedication, and talent made the book possible and whose collegiality made the project pleasant. We believe that we have successfully brought together an outstanding group of academics and practitioners—with diverse methodologies and points of view—whose combined efforts provide a unique and comprehensive analysis of the challenges and opportunities facing Latin American democracies today.

Each editor wishes to thank particular individuals and institutions that made their work possible. Richard L. Millett wants to thank the Center for Study of the Americas at the Copenhagen Business School for its support and encouragement. Jennifer S. Holmes would like to thank Tianxiao Yang for formatting the chapters and Rahma Abdulkadir for her research assistance. Orlando J. Pérez would like to acknowledge the assistance of Rachel Lindberg Miller for her work translating Francisco Rojas Aravena's chapter. Additionally, he wishes to recognize the support of colleagues and staff in the Department of Political Science at Central Michigan University for their encouragement and

assistance. Finally, we all wish to express our deep appreciation to Michael Kerns at Routledge Publishers for his support, enthusiasm, and encouragement throughout this long and arduous journey.

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1 Introduction

Democracy in Latin America: Promises and Perils

Richard L. Millett

Mark Twain once observed "Everybody talks about the weather but no one does anything about it." Today that phrase might be altered to "Everybody talks about democracy, but few seem able to define it." Democracy has become a global buzz word, a concept used to evaluate governments, to condemn those who allegedly subvert or ignore it. Democracy is virtually always praised as an unquestionable good. Terrorists, our leaders assure us, hate democracy, while virtually every politician in the Western Hemisphere today proclaims his or her allegiance to this concept. Yet few ever bother to define democracy or to admit its shortcomings and dangers.

Winston Churchill once declared that "No one pretends that Democracy is all wise. Democracy is the worst form of government except for all the others that have been tried."[1] Frequently quoted, but rarely examined, this admission of democracy's weakness and limitations has proved all too true in practice. As a system it is usually inefficient, at times virtually chaotic, and able to bring forth the worst, as well as the best characteristics of the human race. It can play upon fears and misconceptions, exploit ethnic, racial, and religious differences, sanctify popular prejudices, and justify denials of justice to minorities.

But if all these dangers exist, the other part of Churchill's quote is also true. Democracy is based upon the assumption that all power should be limited, limited by time, limited by countervailing power, limited by the rule of law. Democracy, as James Madison observed in the *Tenth Federalist*, is designed to promote majority rule with respect for minority rights. It is a system where those who lose today's struggle for power are supposed to be guaranteed another chance tomorrow and those who exercise power will be held accountable for their actions. Perhaps its greatest strength, at least in theory, is its ability to learn from and rectify mistakes, to adapt to changing conditions.

This volume is designed to build on Churchill's dictum, to examine the progress towards, but also the shortcomings of and dangers to democratic rule in Latin America. While it generally assumes that progress towards more democratic institutions is desirable, it also accepts that such progress will vary in many ways from society to society, that one size does not fit all. Rather than attempting to impose a single definition and promote a single model, the authors

hope to stimulate discussion as to its nature, applicability, strengths and weaknesses in varied circumstances.

In the 1970s democracy, however we define it, was clearly an endangered species in Latin America. The military, usually as an institution, but on occasion serving more as the instrument of individual ambition, dominated politics in twelve of the hemisphere's twenty nations. In Nicaragua and Haiti entrenched family dynasties ruled, while in Mexico the ruling party had permitted no effective challenges to its domination for over half a century. Paraguay combined one-party rule with military dictatorship and Cuba was a one-party, communist state, dominated by the towering figure of Fidel Castro. Ecuador moved uneasily between military and civilian rule, with the military always ready to force a change of regime. In Colombia a pact among traditional elites provided the image of democracy, but little of the substance. Venezuela had a functioning electoral democracy, but the system was dominated by two increasingly corrupt parties. Only Costa Rica had fully effective multi-party democracy.

By 2008 the panorama had changed dramatically. Relatively freely elected governments were installed everywhere except Cuba and even there the departure of Fidel Castro from supreme power offered the possibility, if not the promise, of a transition to a less authoritarian rule. Polls consistently showed strong popular support virtually everywhere for democratic governments. The Organization of American States had adopted the "Democratic Charter" pledging member states to the support of democratic rule throughout the hemisphere. In most nations the media and labor unions were able to operate relatively freely, if not always with adequate personal security. Military coups seemed largely a thing of the past, with the last successful example nearly twenty years ago. Elections were monitored by both national and international observers, and despite some controversy, notably in Mexico, the voting process was widely seen as fair and impartial. If not exactly flourishing, democracy seemed at least to be in the process of establishing itself as the overwhelmingly dominant political system in the hemisphere.

Serious problems, however, remain. As Larry Diamond, Co-editor of *The Journal of Democracy*, reminds us, "If democracies do not more effectively contain crime and corruption, generate economic growth, reduce economic inequality, and secure freedom and the rule of law, people will eventually lose faith and turn to authoritarian alternatives."[2] All of these factors are present in today's Latin America. Judicial systems are often weak and/or corrupt and citizen security is deteriorating in many nations. Corruption continues to be a serious issue despite the growing transparency of the political process. While security forces have lost most of their political power, their place at times seems to have been taken by organized criminal groups and military coups at times have been replaced by coups led by angry urban mobs.

Notable progress has been made in incorporating long neglected and/or exploited groups, notably indigenous peoples and women, into the political process. Women currently hold the presidency in Argentina and Chile while Bolivia has a President who can truly claim to be from that nation's indigenous

majority. But these developments have been uneven. Especially in the case of indigenous peoples, access to political power has sometimes further fractured the political system, producing separatist pressures by both indigenous and non-indigenous peoples.

Also disturbing has been the failure of many traditional political parties and leaders to exercise effective power once they take office. In many nations polls indicate that political parties have the lowest or nearly the lowest popular support and credibility of any institution. The greatest threats to democracy often come from within rather than outside the system, from those who proclaim its virtues rather than those who advocate alternative forms of government. As Larry Diamond has observed:

> The problem in these states is that bad government is not an aberration or an illness to be cured. It is . . . a natural condition. For thousands of years, the natural tendency of elites everywhere has been to monopolize power rather than to restrain it—through the development of transparent laws, strong institutions, and market competition. And once they have succeeded in restricting political access, these elites use their consolidated power to limit economic competition so as to generate profits that benefit them rather than society at large. The result is a predatory state.[3]

Reactions to this take many forms. Some long for a return to the authoritarian regimes of previous decades, others seek to accommodate varying degrees of populism within the democratic spectrum. There are efforts to modify traditional forms of representative government in order to incorporate traditionally excluded or marginalized elements of society. Others see such efforts as being all too easily manipulated by ambitious groups or individuals determined to promote their own agendas. The current situation in Bolivia, Nicaragua, and Venezuela, all of whose governments came to power through elections, exemplifies these issues and makes an examination of the nature and status of hemispheric democracy all the more important.

In summation, Latin American democracy has made significant, but uneven progress. If the era of military regimes seems ended, other threats remain and, in some cases, seem to be gaining strength. Democracy's future will depend not just on the conditions within individual nations but on the ability of the hemisphere as a whole to effectively join together in strengthening its institutionalization. The United States, for good or for ill, will play a central role in this process, but so will global economic and political trends, increasingly beyond the control of any nation state. The process will be protracted, the ultimate outcome still uncertain, but the result will be crucial in shaping the lives of everyone in the Americas for the rest of the twenty-first century.

Notes

1 *Winston Churchill: His Complete Speeches*, ed. Robert Rhodes James, London: Chelsea House, 1974, Vol. 7, p. 7566.
2 Larry Diamond, "The Democratic Rollback," *Foreign Affairs*, 87, 2 (March/April, 2008): 37. For a more complete presentation of his views see Larry Diamond, *The Spirit of Democracy: The Struggle to Build Free Societies Throughout the World*, New York: Times Books, 2008.
3 Diamond, p. 43.

2 Democratic Consolidation in Latin America?

Jennifer S. Holmes

During a time of economic crisis and adjustment, many Latin American countries transitioned from authoritarian regimes to democratic regimes in the 1980s. This was not the first experience with democracy in the region. Many, since their independence in the 1820s, "were in the vanguard of international liberalism when they repudiated monarchism, aristocracy and slavery in the past [nineteenth] century, and at least in theory their governments have long rested on the principle of popular sovereignty" (Whitehead 1992, 147), although elections consisted of limited competition among elites. The reality was one of mostly oligarchic or co-optative democracies (Skidmore and Smith 1997, 62), which struggled with the negative colonial inheritances of "a hierarchical society based on class and race, and an economy featuring highly unequal distribution of land and wealth" (Handelman 1997, 26). The evolution of Latin American democracies is unique compared to other regions owing to four factors: relatively stable borders, pacted democratization, poorly functioning and long-established market economies, and deep inequalities (Whitehead 1992, 157–8). During the twentieth century, Latin American regimes veered from experiments of expanding suffrage to periods of authoritarian rule. By the early 1980s, most of the authoritarian regimes were liberalizing and becoming more democratic. These "new" democracies continue to face fundamental challenges of creating stable and functional democracies, increasing participation, and providing economic opportunities for their citizens. After discussing the general trends of transitions to democracy and democratic consolidation, the focus will change to assessing the broad performance and qualities of these new democracies.

The literature on democratic consolidation has been compared to a "terminological Babel" (Armony and Schamis 2005, 114). Existing attempts to assess national development and processes of democratization suffer from conceptual and measurement challenges. Most definitions of democracy focus on procedural aspects such as elections, without taking into account economic development or the capabilities of those institutions to expedite the economic and political development of citizens.[1]

The literature on the definition of democracy is hotly contested. As Kathleen Schwartzman (1998, 161) states, "the debate over the essence of democracy has in no way been resolved in the wave literature." In terms of conceptualization

and measurement, there is a lengthy debate.[2] Most studies utilize a definition based upon procedural aspects of democracy and/or political liberties (Collier and Levitsky 1997; Bollen and Paxton 2000; Munck and Verkuilen 2002). This approach is heavily influenced by the work of Robert Dahl (1971) and his seven institutions of polyarchy: elected officials, free and fair elections, inclusive suffrage, the right to run for public office, freedom of expression, existence and availability of alternate information, and associational autonomy.

As Collier and Levitsky (1997) note, among the procedural definitions, the debate revolves around adjectives. They found hundreds of "subtypes" among the different definitions of democracy. Beyond a minimum of free elections, scholars disagree about what additional attributes should be included as part of the minimal standard for democracy (Collier and Levitsy 1997, 433; O'Donnell and Schmitter 1986; Di Palma 1990, 28; Huntington 1991,9; Przeworski et al. 2000). A drawback of minimalist positions is that they may include authoritarian regimes if they have elections, even if the regimes are not free (Mainwaring, Brinks, and Pérez-Liñán 2001, 41–2). Because of concern of including authoritarian or semi-authoritarian regimes when using a minimalist definition, some advocate including other aspects of procedural democracy, such as civil liberties or an expanded notion of accountability. Without these basic protections, elections can be easily subverted (Mainwaring, Brinks, and Pérez-Liñán 2001, 43). Scholars such as Mainwaring, Brinks, and Pérez-Liñán 2001; Bollen and Paxton 2000; Diamond 1999; and O'Donnell and Schmitter 1986 utilize this style of concept. For example, in the influential work *Transitions from Authoritarian Rule*, O'Donnell and Schmitter focus on a definition of democracy that builds upon a procedural minimum, including free and fair elections, universal suffrage, political and civil liberties, to define democracy (O'Donnell and Schmitter 1986, 8).

The inclusion of other attributes leads to a further differentiation of the concept, such as concepts of hybrid regimes, electoral democracy, semi-democracy, semi-authoritarianism, etc. (Karl 1995; Diamond 2002; Schedler 2002). According to Frances Hagopian, "as studies of the state evolve beyond being primarily concerned about capacity (a concern of the 1960s) and efficiency (the concern of the 1990s), they should consider whether the state itself is democratic" (Hagopian 2000, 904). Karl (1995) includes aspects such as insufficient control over the military, deficiencies in the rule of law, extensive disenfranchisement, and ineffective checks and balances incorporated into the differentiation of regimes. Scholars such as Karl and Schmitter (1991) and O'Donnell (1996) argue for inclusion of elements of horizontal accountability.

Although the advantages and disadvantages of a minimalist, subminimalist, liberal, and electoral democracy are discussed, rarely does the debate progress to a discussion of deepening the concept beyond proceduralism to incorporate social or economic aspects. In fact, most scholars separate political democracy from social or economic concerns. As Kenneth Bollen states, the "distribution of wealth, work place 'democracy', or the health of the population are not part of the concept. These are important in their own right and should not be

confounded with national levels of political democracy" (Bollen 1990, 12–13). Similarly, Karl and Schmitter (1991) separate issue of equity or "social democracy" from their analysis of democracy. As Michael Coppedge warns, "One should not go further into the territory of social and economic democracy and collective citizenship rights, which in my opinion would cross the line into maximalism" (Coppedge 2002, 37). Munck and Verkuilen (2002, 9) similarly warn against maximalist concepts which can be "so overburdened as to be of little analytical use." Alvarez and Cheibub (1996, 20) wish to "examine empirically, rather than decide by definition" relationships among different attributes of democracy. Many scholars, both within and outside of the traditions of modernization theory or political development, have focused on the possible interrelations among the different aspects or measures of democracy and economic development.[3] In these cases, a minimalist definition would be appropriate.

Alternatives to Minimalism

In general, development concerns are omitted within procedural definitions of democracy. Democracy may become only a set of rules without a corresponding emphasis on quality. Theoretically, Huber, Rueschemeyer, and Stepens (1997) partially address this limitation by introducing participatory and social dimensions to their formal model of democracy. Other scholars, such as Foweraker and Krznaric (2002, 2003) find significant differences among the performance of both established democracies and third wave democracies, especially in areas of civil and minority rights. Specifically, in the cases of Brazil, Colombia, and Guatemala, "advances made in political rights and parliamentary representation have not been matched by improvements in the record of civil and minority rights" (2002, 37). An alternative is to develop democratic indices to serve as self-assessment tools for the quality of democracy in a particular country. For example, Boyle et al. (1993) developed a self-assessment for the United Kingdom. They built their assessment around two principles: popular control and political equality. They examine four dimensions through a thirty-question survey. The four dimensions are free and fair elections, a democratic society, civil and political rights, and open and accountable government. In addition to problems of creating an equivalent survey in a cross-national study, they acknowledge difficulties in applying this to developing nations and new democracies because it would not necessarily take into account any "stage-like character of democracy's development" (Beetham 1999, 169). As Moore (1966) demonstrated, there may be different paths to democracy.

Many scholars reject incorporating normative aspects into their concepts. For example, Samuel Huntington states, "Fuzzy norms do not yield useful analysis" (Huntington 1991, 9). In a similar vein, Giuseppe Di Palma has stated that the democratic ideal should be separate "from the idea of social progress" if it is to survive (Di Palma 1990, 23). Although much of the field tries to eschew any normative dimensions in analysis, some prominent scholars, such as Robert

Keohane, have recognized a duty for political scientists to ask these types of questions. "We need to reflect on what we, as political scientists, know that could help actors in global society design and maintain institutions that would make possible the good life in our descendents. . . . What normative standards should institutions meet, and what categories should we use to evaluate institutions according to those standards?" (Keohane 2001, 1).

Indeed, a focus on procedure alone may quickly produce skeptics among citizens. For example, the increasing disillusionment with democracy, thinly understood, is a growing problem in Latin America (Latinobarómetro 2002). Democracy involves much more than just regular, free elections. The incorporation of economic progress, inclusion, and distributional issues are essential to move democracy beyond procedure and development beyond growth. Whereas many scholars exclude "measures of any system of government (e.g. national security, social welfare, protection of the environment, even legitimacy and system support) in favour of values that are intrinsic to liberal democratic government" (Foweraker and Krznaric 2003, 314), citizens seem to include these system-wide assessments when they evaluate their democracies. The reality is that there is a historical precedent for non-democratic regimes. Other democratic waves have been followed by reverse waves.

Twentieth-century attempts at democracy faced additional strain from foreign interventions, ranging from direct to covert. However, after the Cold War, the international environment became more supportive of Latin American democracies and citizens had embraced (or in some cases at least reluctantly accepted) the new democratic era. Table 2.1 presents one classification of Latin American regimes to provide an overview of the regime instability characteristic of this time period. Mainwaring, Brinks, and Pérez-Liñán (2001) provide a trichotomous classification of Latin American regimes, including the novel category of semi-democratic, which provides greater insight to the gradations of democracy. Although there are other categorizations of regimes available, this demonstrates the general pattern of democratization and breakdown. Today, the trend toward democracy appears strong, although the threat of reversion remains. The risk of a return to authoritarianism is real, especially as many citizens become frustrated with the slow pace of improvement. Although democracies have not fallen, many have been shaken. Peru suffered a "self-coup" in 1992, Peruvian president Fujimori fled to Japan in 2000, three Ecuadorian presidents and two Bolivian presidents were forced to resign as a result of popular pressure since 1997, and Venezuela suffered a coup attempt in 2002. Additionally, starting with the resignation of Argentine president de la Rua on December 20, 2001, Argentina experienced a succession of interim presidents and presidential resignations over two weeks, until caretaker president Duhalde managed to remain in power until elections in April 2003. Many scholars (including Cohen in this volume) do not want to overburden procedural democracy with heightened expectations of improvements in stubborn social and economic challenges. However, some of the issues of regime stability are relevant to whether or not democracies survive.

Table 2.1 Classification of Latin American regimes 1945–99

Country	*Democratic*	*Semi-democratic*	*Authoritarian*
Argentina	1973–74, 1983–99	1946–50, 1958–61, 1963–65, 1975,	1945, 1951–57, 1962 1966–72, 1976–82
Bolivia	1982–99	1956–63	1945–55
Brazil	1946–63, 1985–99		1945, 1964–84
Chile	1945–72, 1985–99		1973–89
Colombia	1990–99	1945–48, 1958–73	1949–57
Costa Rica	1949–99	1945–48	
Ecuador	1948–60, 1979–99	1961–62, 1968–69	1945–47, 1963–67, 1970–78
El Salvador	1992–99	1984–91	1945–83
Guatemala		1945–53, 1986–99	1954–86
Haiti			1945–99
Honduras	1994–99	1949–54, 1957–62, 1971, 1983–93	1945–56, 1955–56, 1963–70,1972–81
Mexico		1988–99	1945–87
Nicaragua		1984–99	1945–83
Panama	1994–9	1945–47, 1956–67, 1990–93	1948–55, 1968–89
Paraguay		1989–99	1945–88
Peru	1963–67, 1980–82, 1985–87	1945–47, 1956–61, 1983–84, 1988–91, 1995–99	1948–55, 1962, 1968–79, 1992–94
Uruguay	1945–72, 1985–99		1973–84
Venezuela	1947, 1958–99	1946	1945,1948–57

Source: Mainwaring, Brinks, and Pérez-Liñán (2001).

Despite the current international environment being more favorable to democracy, as Whitehead (1992, 148) points out, many of the Latin American democracies were viewed internally as "second best outcomes" and are in effect "democracy by default." As Mainwaring (2006, 13) points out, there is a growing discontent among both elites and the popular sectors with democracy, its leaders, and its institutions in the region. The goal of this chapter is to present a balanced set of measures that evaluates democracies according to more than just procedural aspects, incorporates development aspects, and moves beyond typologies and toward assessment, without defining democratic development as the advanced industrial democracy status quo. There are both theoretical and practical reasons for doing so. Theoretically, assessment implies goals and aims. Practically, a measure that moves beyond procedure is more compatible with citizen expectations.

Holmes and Piñeres (2006) developed a comprehensive concept of democratic development, based upon four categories (democratic inclusiveness, democratic health, human capital, and economic and political security). This comprehensive measure of democratic performance is designed to assess the strength and resilience of democracies. The concept is oriented toward

evaluation. Most concepts of democratic consolidation and development do not include this evaluative or scorecard approach. As Sartori stresses, "what makes democracy *possible* should not be mixed up with what makes democracy more *democratic*" (Sartori 1987, 156). However, in terms of understanding citizen satisfaction, democratic stability, and the like, a deeper and broader concept is necessary. This approach to democratic development also includes measures that do not uniquely belong to democracies. Instead factors that contribute to regime stability are included. The present work considers development to be inclusive of both political and economic progress. Economic progress is not captured by measuring gross domestic product or growth rates alone, but needs to address issues of inclusiveness and breadth of the economic growth.

Human Capital

To assess development of the citizen, illiteracy, educational attainment, and government investment in education are examined, in addition to differential mortality rates. These indicators are shown in Table 2.2. Illiteracy is measured by the rates of illiteracy of people over the age of 15. Sizeable proportions of illiterate citizens exist in Guatemala, El Salvador, and Nicaragua. Countries such

Table 2.2 Human capital

	Education expenditure as a per cent of GDP	*Illiteracy rate (per cent of people <15)*	*Persistence to grade 5 (per cent of cohort)*	*Differential mortality rates of children under five*	*Tertiary school enrollment (per cent of gross)*
Argentina	3.8	2.8	81		–
Bolivia	6.4	13.5	84	73	41
Brazil	4.4	11.6	–	66	–
Chile	3.5	4.3	81		43
Colombia	4.8	5.8	69	23	24
Costa Rica	4.9	4.2	53		19
Dominican	1.8	12.3	69	63	33
Republic Ecuador	1.0	9.0	74		–
El Salvador	2.8	20.3	69		18
Guatemala	–	30.9	65	39	–
Honduras	–	20.0	–		16
Mexico	5.4	9.7	63		22
Nicaragua	3.1	23.3	65	45	18
Panama	3.8	8.1	90		43
Paraguay	4.3	8.4	70	37	–
Peru	2.4	12.3	84	52	–
Uruguay	2.6	2.3	73		–
Venezuela	–	7.0	84		39
Year of data	2002–5	2003	2001–2	various	2003

Sources: World Bank, *Human Development Report* (Table 8), Difference in child mortality rate: *Human Development Report* (2006 Table 8), *Human Development Report* (2007/2008 Table 11).

as Uruguay and Argentina, which have long, successful experiences with broad education, do well, with illiteracy rates below 3 per cent. Lower levels of educational attainment are captured by looking at the per cent of the cohort who persists in school up to fifth grade, and high levels of educational attainment are reflected by tertiary school enrollment. Here countries such as Panama and Bolivia show success, whereas others like Costa Rica lag in this area. Education expenditures as the per cent of GDP reflect strong government commitment to education in Bolivia and a relatively low level in Ecuador and the Dominican Republic. Finally, the difference of the under-five mortality rate (per thousand live births) between the richest 20 per cent and the poorest 20 per cent of the population assesses whether there is a significant difference in one of the most fundamental measures of human development. Although many countries do not report this statistic, alarming gaps are evident in Bolivia and Haiti, compared to Colombia.

Democratic Health

This cluster of indicators, presented in Table 2.3, includes measures of popular support and regime characteristics. Popular support for democracy is also important. Latinobarómetro asks questions varying from support for and satisfaction with democracy and whether or not democracy is necessary to develop. Over 70 per cent of Argentineans, Dominicans, Uruguayans, and Venezuelans agreed that democracy is necessary to develop, compared to fewer than 40 per cent of Ecuadorians, El Salvadorans, and Paraguayans. Support for democracy is greater than 70 per cent among Argentineans, Costa Ricans, Dominicans, Uruguayans, and Venezuelans, whereas only 41 per cent of Guatemalans and Paraguayans reported support for democracy. Interestingly, satisfaction with democracy is lower overall. The most satisfied citizens are in Uruguay (66 per cent) and the least in Paraguay (12 per cent) and Peru (23 per cent).

Corruption can be measured by Transparency International's Corruption Perception Index. Freedom House provides indexes of political liberties and civil rights. Although there is a great deal of debate about the advantages and disadvantages of using these indicators, the Corruption Perception Index (Lancaster and Montinola 2001; Seligson 2002; Svensson 2005) and the Freedom House measures (Scoble and Wiseberg 1981; Banks 1986; Gastil 1990; McHenry 2000), they are arguably the best available indicators for evaluating recent trends in corruption and liberties. High scores in the Corruption Index reflect low levels of perceived corruption. For example, Chile is the country with the least level of corruption in the region, compared to Paraguay and Venezuela that have higher levels of corruption. Freedom House measures both political rights (consisting of electoral process, political pluralism and participation, and functioning of government) and civil liberties (consisting of freedom of expression and belief, associational and organizational rights, rule of law, and personal autonomy and individual rights). The lower the score, the more free the country. Chile, Costa Rica, and Uruguay received scores of 1,

Table 2.3 Democratic health

	Democracy as necessary to develop?	*Support for democracy*	*Satisfaction with democracy*	*Corruption Index*	*Political rights and civil liberties*
Argentina	70	74	50	2.8	2, 2
Bolivia	59	62	39	2.5	3, 3
Brazil	50		36	3.7	2, 2
Chile	61	56	42	7.3	1, 1
Colombia	56		33	4.0	3, 3
Costa Rica	66	75	48	4.2	1, 1
Dominican	72	71	49	3.0	2, 2
Republic Ecuador	38	54	22	2.5	3, 3
El Salvador	39	51	25	4.2	2, 3
Guatemala	47	41	31	2.5	4, 4
Honduras	46	51	34	2.6	3, 3
Mexico	58	54	41	3.5	2, 2
Nicaragua	44	56	26	2.6	3, 3
Panama	61	55	40	3.5	1, 2
Paraguay	38	41	12	2.1	3, 3
Peru	45	55	23	3.5	2, 3
Uruguay	79	77	66	5.9	1, 1
Venezuela	78	70	57	2.3	4, 4
Year of data	2006	2006	2006	2005	2006

Sources: Democracy as necessary to develop? How much confidence do you have in democracy as a system of government through which (country) can become a developed country? Answer shown: "A lot of confidence" plus "some confidence". Support for democracy and satisfaction with democracy (Latinobarómetro) with which of the following statements do you agree most? Democracy is preferable to any other kind of government/Under some circumstances, an authoritarian government can be preferable to a democratic one/For people like me, it doesn't matter whether we have a democratic or a non-democratic regime. Answer shown: "Democracy is preferable to any other kind of government." In general, would you say you are very satisfied, fairly satisfied, not very satisfied or not satisfied at all with the way democracy works in (country)? Answer shown: "Very satisfied" plus "Fairly satisfied". Corruption Index (Transparency International), political liberties and human rights (Freedom House)

whereas Guatemala and Venezuela received weaker scores of 4, reflecting concerns of Freedom House.

Democratic Inclusiveness

The depth and breadth of participation is also important to democracies. To what extent have women and racial and ethnic minorities been included in positions of authority, in civil society, the civil service, and the government? What legal and extra legal barriers to participation exist? Two widely available measures are available for the region and are presented in Table 2.4. First, the gender empowerment measure assesses the parity of opportunity of men and women in both the political and economic spheres, creating a single index out of three dimensions (political participation and decision making, economic

Table 2.4 Democratic inclusiveness

	Gender empowerment measure (GEM)	*Group*	*Political discrimination*
Argentina	0.697	Indigenous peoples	2
Bolivia	0.499	Indigenous highland peoples	1
Brazil	0.486	Afro-Brazilians	3
Chile	0.506	Indigenous peoples	2
Colombia	0.506	Afro-Americans	3
Costa Rica	0.675	Antillean Blacks	1
Dominican Republic	0.527	Afro-Americans	4
Ecuador	0.524	Indigenous highland peoples	3
El Salvador	0.529		
Guatemala	–	Indigenous peoples (Mayans)	3
Honduras	0.530	Indigenous peoples	3
Mexico	0.597	Other indigenous peoples	3
Nicaragua	–	Indigenous peoples	2
Panama	0.568	Afro-Caribbean	3
Paraguay	0.427	Indigenous peoples	1
Peru	0.580	Indigenous highland peoples	2
Uruguay	0.513		
Venezuela	0.532	Afro-Americans	3
Year of data	2006	2000	

Source: United Nations *Human Development Report* (2006 Table 2), Political Discrimination (Minorities At Risk).

participation and decision making, and power over resources). Specifically, female and male shares of parliamentary seats, positions as legislators, senior officials and managers, professional and technical positions, and estimated earned income are calculated to create the measure (HDR Technical Note 1). The Latin American country with the highest score is Argentina and the lowest Paraguay. Care must be taken when comparing these scores since the index uses earned income to measure economic participation, thus automatically depressing the scores of a poor country and inflating a wealthy country. However, comparisons among countries of roughly equivalent levels of economic development are telling. For example, among the wealthiest Latin American countries, Chile (14,400) and Argentina (13,000), Argentina has a significantly higher GEM score than Chile, despite Chile's higher GDP per capita.

Instead of examining differences by gender, the Minorities at Risk project provides readily available measures of access to power of minority groups, political discrimination, and political restrictions. The Political Discrimination Index, based on the years 1980–2000, provides a general coding of public and social policies in erasing or promoting political inequalities. It is based on a scale of 0–4, with 0 being no discrimination and 4 being exclusionary with repressive polices. Low levels of discrimination are found in Bolivia, Costa Rica, and

Paraguay. Higher levels are found in the Dominican Republic (directed toward Haitian immigrants and their descendants).

Economic and Political Security

Security should be measured in both economic and political terms. Table 2.5 presents the indicators. Economically, different aspects, including growth rates, distribution, and levels should be used. To address concerns about comparability across countries, purchasing power parity was developed. Purchasing power parity (PPP) uses the United States as the basis to figure the cost of an equivalent consumer basket of goods in each country. For example, on average, Chileans have twice the purchasing power of Colombians, who have more than twice the purchasing power of Hondurans or Nicaraguans. Countries with the highest GDP per capita growth rate include Chile, Costa Rica, Panama, Peru, and El Salvador. Colombian growth has no doubt lagged as a result of the persistent internal conflict. Ecuador and Honduras have had weak growth, while Paraguay and Venezuela have actually had negative per capita growth during this time period. Additionally, unemployment rates can be useful to assess the participation in the economy. Reported unemployment is high in countries such as Argentina, Uruguay, and Venezuela and relatively low in Mexico. However, since unemployment does not address those outside of the formal sector or structurally unemployed, it is useful to examine other aspects. The percentage of children who are underweight provides a fundamental view to the economic security of children, among the most vulnerable citizens. High rates of child malnourishment are reported in Ecuador, Guatemala (which has a low unemployment rate), Honduras and Nicaragua, while they are very low in Chile. Inequality should also be examined. The GINI index shows high levels of inequality in Bolivia, Brazil, and Colombia while countries such as Costa Rica, Uruguay, and Venezuela have relatively low rates of inequality. Sustainability of growth can also depend on foreign direct investment. High levels of FDI flows are seen in Chile, Ecuador, and Panama, whereas Argentina and Paraguay do not have nearly as much foreign direct investment, possibly a bad omen for future economic growth.

Finally, a lack of security undermines economic performance and development, thus civil strife and violence need to be examined. PIOOM's five stages of internal conflict is useful to compare and contrast different levels of conflict among nations. High levels of conflict exist, especially in Colombia (high-intensity conflict causing more than one thousand deaths per year), followed by relatively high levels of conflict (low-intensity conflict causing more than a hundred deaths per year but less than a thousand) in the Dominican Republic and Honduras. Scores of 3 reflect violent political conflict that causes fewer than a hundred deaths per year. Although difficult to measure cross-nationally, this indicator takes into account different types of internal conflict, ranging from civil war to guerrilla violence to vigilantism. Old land conflicts remain divisive, such as in Colombia and Guatemala, police continue to be charged with egregious

Table 2.5 Economic and political security

	GDP per capita growth (1990–2003)	*GDP per capita PPP*	*Unemployment rate (per cent)*	*FDI net inflows (percentage of GDP)*	*GINI index*	*Children 5< underweight (per cent*	*PIOOM*
Argentina	1.3	13,000	16	1	52.8	5	
Bolivia	1.3	4,400	–	2	60.1	8	3
Brazil	1.2	9,700	10	2	58.0	6	3
Chile	4.1	14,400	7	6	57.1	1	
Colombia	0.4	7,200	14	2	58.6	7	5
Costa Rica	2.6	13,500	7	3	49.9	5	
Dominican Republic	4.0	9,200	–	4	51.7	5	4
Ecuador	0.1	7,100	11	6	43.7	12	3
El Salvador	2.1	5,200	7	1	52.4	10	3
Guatemala	1.1	5,400	3	1	55.1	23	3
Haiti		1,900	–		59.2		4
Honduras	0.2	3,300	5	4	53.8	17	4
Mexico	1.4	12,500	3	2	49.5	8	3
Nicaragua	0.9	3,200	8	5	49.5	10	3
Panama	2.4	9,000	14	6	56.4	7	3
Paraguay	–0.6	4,000	–	1	57.8	5	3
Peru	2.1	7,600	10	2	54.6	7	3
Uruguay	0.9	10,700	17	4	44.9	5	
Venezuela	–1.5	12,800	17	3	44.1	4	3
Year of data	1990–2003	2007	2003	2003	various	1995–2003	2001/2002

Source: PIOOM, per cent children underweight *Human Development Report* (2003 Table 3), HDR (2006 GINI Table 15), Unemployment World Development Indicators.

human rights violations, such as in Brazil, and guerrillas remain active, for example, in Peru and Colombia.

Conclusion

If we think about consolidation by asking Giuseppe Di Palma's question "At what point . . . can democrats relax?" (Di Palma 1990, 141), it is clear after a broad examination of democratic development that the answer is it is best not to relax. Even the most economically developed and politically stable country, Chile, could improve its performance, especially in regard to its GEM score. Additionally, it has lingering issues with the Mapuche, as reflected in their political discrimination score of 2. Interestingly, Chileans also have mediocre levels of satisfaction with democracy and support for democracy, compared to the rest of the region. Moreover, almost 40 per cent of Chileans do not view democracy as necessary for development. Political stability seems deeper in Uruguay. However, its GDP growth per capita was anemic, although FDI inflows and the second best Corruption Index score portend stronger economic growth in the future. Some of the most challenged nations include some of the poorest, including Nicaragua, Bolivia, and Ecuador. However, even among the poorest countries there are signs for optimism, including strong commitment to education in Bolivia. Both Venezuela and Argentina may be sliding into populism. These two wealthy countries have relatively high unemployment rates, potential or increasing instability, and poor corruption scores. Interestingly, citizens in these two countries report some of the highest support for and belief in democracy, reminding observers of a resilience of democracy. This broad view into democratic development identifies both sources of stability and strain within Latin American democracies. One of Juan Linz's key insights to the study of democratic stability is the importance of leadership. Linz asked "what causes a regime to move beyond its functional range to become a disrupted or semicoercive regime that ends in repudiation by large or critical segments of the population?" (Linz 1978, 10). He argued against deterministic analysis, instead pointing out that despite opportunities and constraints created by the economic and political situations, leaders still have room for meaningful and often crucial actions. Although few Latin Americans wish to return to an era of harsh dictatorships (dictaduras), as the lessons learned from the past experiences become less salient in light of contemporary difficulties or stubborn challenges, it is best not to become complacent about the durability of Latin American democracies. As noted by others in this volume, the promises of progress are often accompanied by undemocratic practices.

Notes

1 There is a large literature that focuses on the relationship between regime type and economic growth. This is an important literature that requires a "thin" definition of democracy devoid of economic development or other factors so that these causal questions can be probed. However, this is not the analytical focus of this work.

2 There are difficulties due to the lack of conceptual underpinnings, teleological assumptions based on the achievement of advanced industrial nations, issues of multidimensionality vs. unidimensionality, and issues of a binary vs. continuous concept (Sartori 1987; Bollen and Jackman 1989; Dahl 1989; Bollen 1990; Coppedge and Reicke 1990; Waylen 1994; Collier and Adcock 1999; Paxton 2000). Clearly, there is a long history of controversy concerning the measurement of liberal democracy (May 1973; Bollen 1980, 1986; Vanhalen 1990; Inkeles 1991; Bollen and Paxton 2000; Munck 2001).

3 This theme has a long tradition in the nineteenth century (see Lipset 1992, 2) and in the twentieth century including the works of Schumpeter (1950), Moore (1966), Skocpol (1979), Berger (1986, 1992) and Stephens (1993). In this tradition, the emergence of democracy is in part a result of a transition to a market economy. More recently, scholars have conducted statistical analyses to examine the precise relationships between them (Arat 1988; Helliwell 1994; Przeworski et al. 1995; Barro 1996; Londregan and Poole 1996; Przeworski and Limongi 1997). Other work has focused on the relationship between socioeconomic variables and human rights or freedom (for example, Cutright 1963; Bollen and Jackman 1985; Chalmers 1990; Huntington 1991; Inkeles 1991; Lipset et al. 1993).

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3 Measuring Democratic Political Culture in Latin America

Orlando J. Pérez

Introduction

This chapter seeks to analyze the connection between micro-level attitudes and regime stability in Latin America. The connection between political culture and democracy has been a concern of social scientists since Gabriel Almond and Sidney Verba's 1963 breakthrough book, *The Civic Culture*, identified a cluster of attitudes and values that, they argued, led to stable democracies (Almond and Verba 1963). Ronald Inglehart subsequently pioneered cross-national research that built on, and empirically tested, Almond and Verba's assertions. In his model, the prevalence of a few specific individual attitudes and values—overall life satisfaction, interpersonal trust, and a disdain for revolutionary change—strongly increased the likelihood that democracy would persist in any given country (Inglehart 1990). Other scholars such as Edward Muller and Mitchell Seligson argued that Inglehart had it backwards: democratic experience causes the development of civic culture—or, at the very least, there is a reciprocal relationship (Muller and Seligson 1994). Parallel to this debate over civic culture, political scientists have also been arguing over the concept of "social capital." In Robert Putnam's 1993 study of regional governments in Italy, he finds that what best explains the performance of democratic institutions is not socio-economic development but rather "civic community": participation in public affairs, conditions of political equality, norms of trust and solidarity, and above all the existence of a vibrant civil society. Taken together, Putnam dubs these individual and collective civic attributes "social capital" (Putnam 1993). For some scholars, however, Latin America lacks the requisite pattern of beliefs to sustain democratic governance (Wiarda 2001).

The chapter will use national probability surveys to examine the pattern of beliefs and attitudes that shape the political culture of Latin Americans. The surveys were conducted in 2006 by the Latin American Public Opinion Project (LAPOP) as part of the Americas Barometer in twenty-two nations in North, Central, and South America. As nations in Latin America struggle with economic, social, and political problems that strain the public's support for democratic regimes, and engender acquiescence—if not outright support—for authoritarian measures, two key questions should be answered: Do Latin

Americans possess the requisite political culture to sustain democratic governance? And what factors shape the beliefs and attitudes of Latin American citizens toward democracy and the extant regimes?

The chapter will focus on five specific values: (1) General preference for and satisfaction with democracy; (2) The meaning of democracy for citizens in Latin America; (3) Support for the extant political system; (4) Political tolerance; and (5) Combining system support and political tolerance, I will examine attitudes supportive of "stable democracy."

Data

The data used in this study come from the AmericasBarometer 2006–7 series, involving face-to face[1] interviews conducted in nations of North, Central, and South America and the Caribbean between early 2006 and September 2007. The surveys were all carried out with uniform sample and questionnaire designs under the auspices of the Latin American Public Opinion Project (LAPOP) at Vanderbilt University. The samples were all national and stratified by region and sub-stratified by urban/rural areas. Table 3.1 shows the sample size for each nation included in the analysis. For purposes of our analysis each national sample has been weighted equally to represent an n of 1500.[2] This unique series of surveys allows comparisons across Latin America and the United States and Canada. As such, it provides an important source of comparative analysis

Table 3.1 National samples (frequency)

Mexico	1560
Guatemala	1498
El Salvador	1729
Honduras	1585
Nicaragua	1762
Costa Rica	1500
Panama	1536
Colombia	1491
Ecuador	2925
Bolivia	3008
Peru	1500
Paraguay	1165
Chile	1517
Uruguay	1200
Brazil	1214
Venezuela	1510
Dominican Republic	1516
Haiti	1625
Jamaica	1595
Guyana	1555
Canada	601
United States	609
Total N	34201

between the two mature and fully consolidated democracies in the region, the United States and Canada, and younger and more fragile democratic regimes.

Do Latin Americans Support Democracy?

Before studying the meaning of democracy, we should explore whether Latin Americans indeed prefer democracy as a general concept. It would hardly be worth exploring the "meaning" of democracy if substantial majorities did not support a democratic regime over its alternative. The Latin American Public Opinion Project uses a question that asks respondents to what extent they believe democracy, despite its many flaws, is the best form of government.[3] This is commonly referred to as the "Churchillian" conception of democracy derived from Winston Churchill's statement that "democracy is the worst form of government, except for all those other forms that have been tried from time to time" (Mishler and Rose 1999). Results are presented in Figure 3.1.[4]

As expected, United States and Canadian citizens exhibit the highest level of support for the idea that democracy is the best form of government. Over 90 per cent of US citizens and over 85 per cent of Canadian respondents believe that democracy is the best form of government. The results for Latin American nations vary widely from a high of 82 per cent for Uruguayans, in one of the best consolidated and stable democracies in the region, to a low of 53 per cent

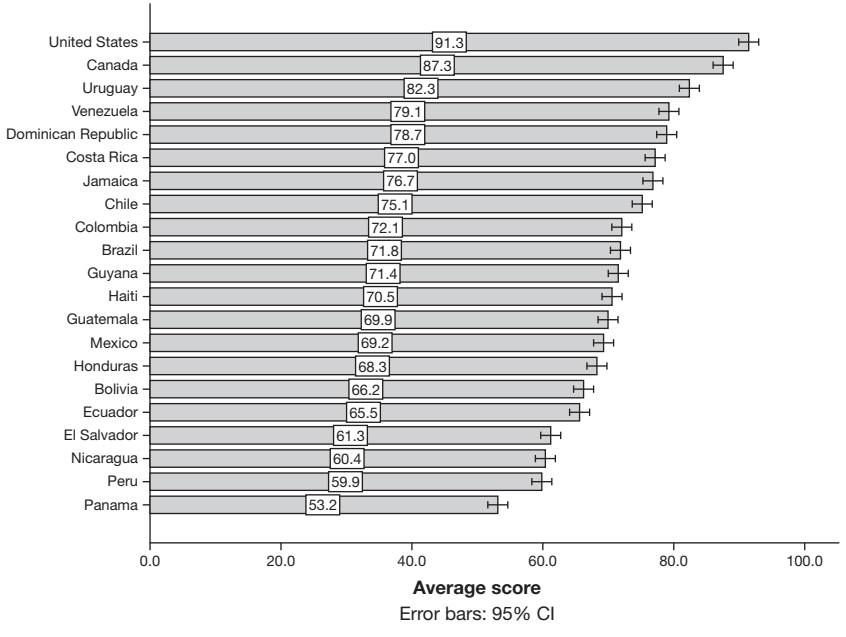

Figure 3.1 Democracy best form of government.

for Panamanian citizens. Nonetheless, a majority of respondents in all countries surveyed support the idea that despite its flaws democracy is the best form of government. Venezuela presents an interesting case, where 79 per cent of people believe that democracy is the best system of government despite the institutional and political changes under way in their country.[5] On the one hand, many Venezuelans supportive of the current government may indeed believe that it is implementing a transformation toward "participatory democracy." On the other hand, opponents of the Chávez regime may express support for "democracy" in contradistinction to the regime's ideals. Together the two groups would form a wide majority of the Venezuelan population. As would be expected from an analysis of their political context, countries such as Costa Rica and Chile exhibit very large majorities supporting democracy as the best system. Citizens in nations such as Bolivia, Nicaragua, Ecuador, Peru, and El Salvador, with younger, more fragile, and troubled democratic regimes, exhibit less support, although significant majorities even in these countries support the idea that democracy is the best form of government.

Next we can observe that, while preference for a democratic regime is widespread, satisfaction with how democracy works is not.[6] Figure 3.2 shows half of the countries in the survey below the 50 per cent level. The highest satisfaction is found in Uruguay, with a level equal to the United States, and the lowest level is found in Paraguay.

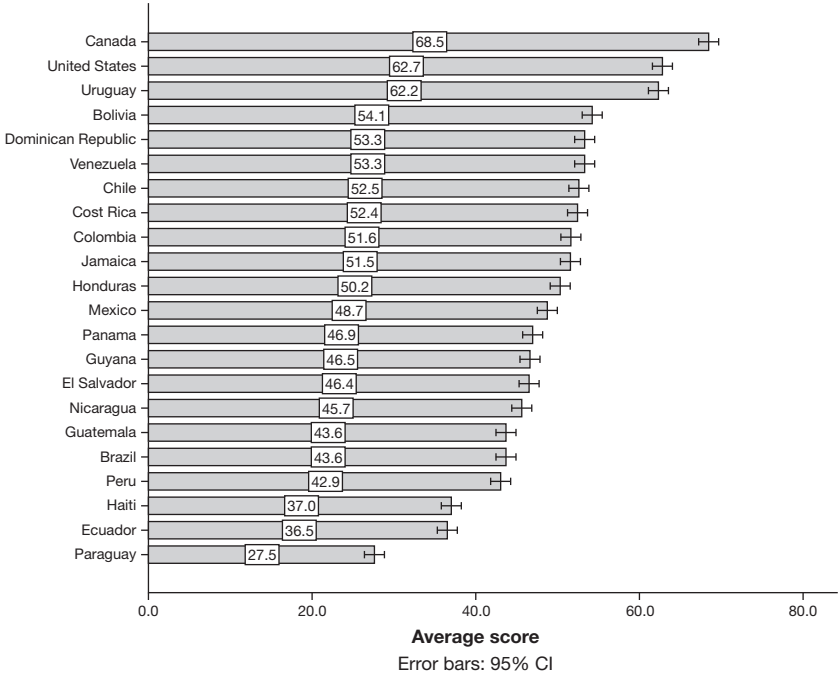

Figure 3.2 Satisfaction with democracy.

In general, levels of satisfaction with democracy in Latin American seem to be correlated with presidential approval rates. Uruguay, Chile, Dominican Republic, Costa Rica, and Colombia—nations with relatively high levels of satisfaction—have presidents with relatively high levels of job approval.[7] Nations like Haiti, Peru, Paraguay, and Ecuador had at the time of the surveys—early 2006—presidents with relatively low approval rates. Figure 3.3 shows the linear relationship between presidential job approval and satisfaction with democracy. Satisfaction with how democracy works goes from a high of 67.2 per cent for respondents who approve strongly of the job the incumbent president is doing to a low of 29.1 per cent for those who disapprove strongly.

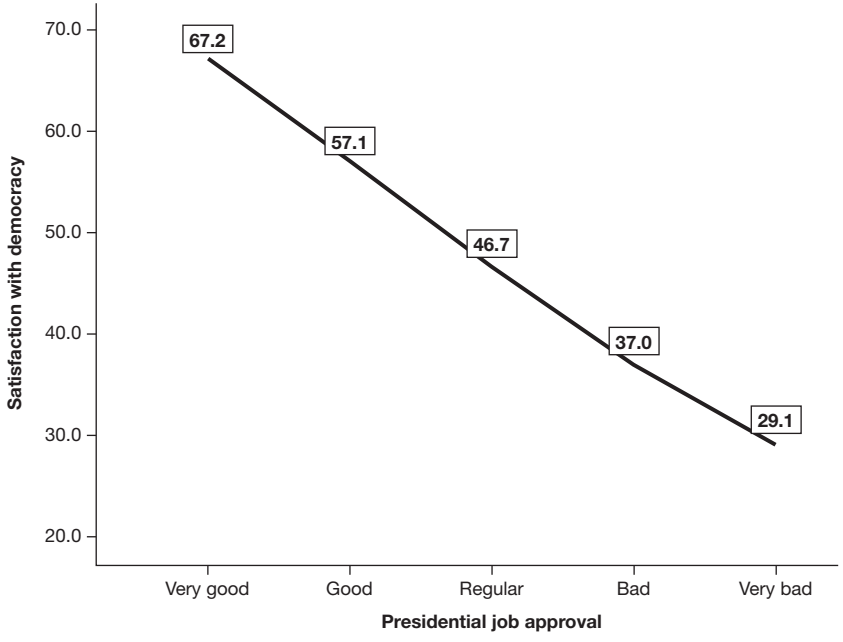

Figure 3.3 Presidential job approval and satisfaction with democracy.

Another variable that affects satisfaction in a significant way is fear of crime. As shown by Millett's chapter in this volume, crime and insecurity are major problems facing democratic governments in Latin America. What this analysis shows is that insecurity has a deleterious effect on attitudes toward democracy. Figure 3.4 underscores this link by showing a clear relationship between fear of crime and satisfaction with democracy.[8] As citizens' sense of security in their neighborhood declines so does satisfaction with democracy.

Meaning of Democracy for Latin Americans[9]

I turn now to an analysis of the meaning of democracy for Latin American citizens. Democracy as an ideal seems to have become universally accepted. In

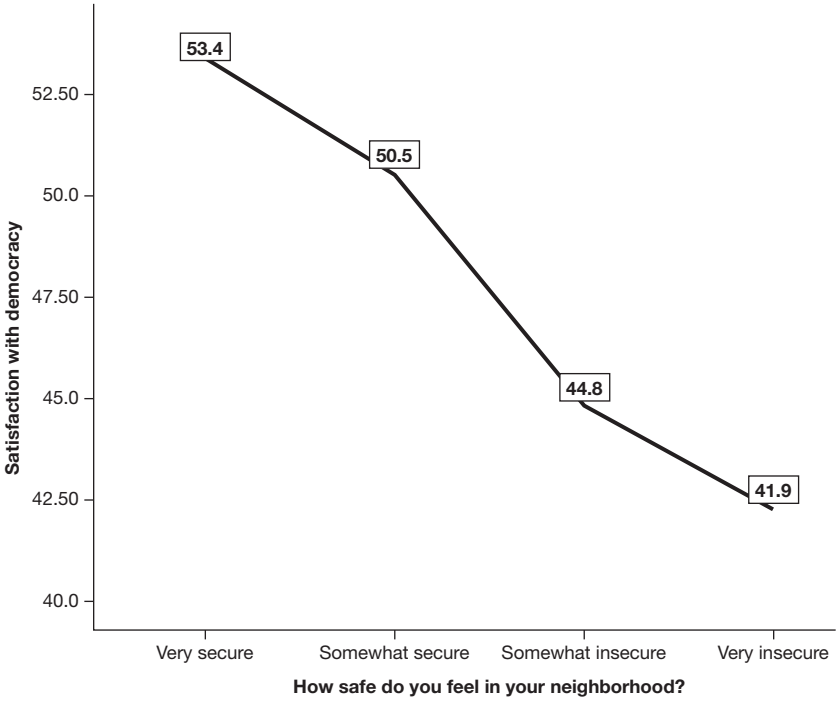

Figure 3.4 Fear of crime and satisfaction with democracy.

today's world it seems all governments regardless of their institutional structures claim to promote some type of democracy. Universal support for democracy, however, takes place at the cost of disagreement over its meaning. Everyone defines democracy according to their own interests. A condensed list could include: direct democracy, representative democracy, liberal (or bourgeois) democracy, proletarian democracy, social democracy, totalitarian democracy, industrial democracy, plebiscite democracy, constitutional democracy, associative democracy, pluralist democracy, economic democracy, people's democracy, and participative democracy.

The key institution in a democracy is the election of leaders through competitive elections. In a democracy, people become leaders through elections in which the governed participate. In 1942, Joseph Schumpeter made the most important modern formulation of this concept of democracy. In his pioneering study, *Capitalism, Socialism, and Democracy*, Schumpeter discovered the deficiencies of what he called the "classic theory of democracy," which defined democracy in terms of "the people's will" (source) and "the common good" (purpose). Discarding such suggestions, Schumpeter constructed what he called "another theory of democracy." He pointed out that "the democratic method is that institutional arrangement for arriving at political decisions in which

individuals acquire the power to decide by means of a competitive struggle for the people's vote" (Schumpeter 1947).

Following Schumpeter, but widening the categories that define the democratic system, Robert Dahl shows us that democratic governments are fundamentally characterized by their ability to respond to citizens' preferences without establishing political differences between them. For this to take place, all citizens need to have an equal opportunity to: (1) formulate their preferences; (2) publicly manifest these preferences among their fellow partisans and before the government, both individually and collectively; and (3) be treated equally by the government. That is, the government should not discriminate in any way regarding the contents and origins of such preferences. These three basic conditions should be accompanied by eight guarantees:

1. Freedom of association
2. Freedom of speech
3. The right to vote
4. Eligibility for public office
5. The right of political leaders to compete for votes
6. Diverse sources of information
7. Free and fair elections
8. Government policies that depend on the vote and other forms of preference expression.

Dahl's definition favors institutional processes that guarantee a level of popular sovereignty in the determination of who governs. In this sense, it does not address concepts of socioeconomic rights or guarantee any conditions of equality among citizens.[10] Therefore, liberal or representative democracy is currently founded on institutions that structure the competition between political elites and guarantees that all citizens participate equally in the country's political processes.

By the end of the twentieth century and the beginning of the twenty-first, the concept of "democracy" acquired a universal acceptance that leaves it, in many cases, without any real foundation. All governments try to legitimize themselves by claiming to be democracies. Citizens "learn" this lesson and tend to "pray before the temple of democracy." But the key question is, does the public know the true meaning of democracy? Additionally, what does democracy mean, in conceptual terms, to citizens? The AmericasBarometer surveys always contain various questions that measure attitudes about democracy and democratic government. However, given the problems of the concept's universality, for the 2006 survey we made an effort to measure the different ways citizens conceptualize democracy. For this analysis, the survey asked a series of semi-open questions that required respondents to give up to three different meanings of democracy. I focus here on one particular question that asked respondents to identify which of the meanings they had enumerated is the most important (if only one meaning was given, the analysis focused on this one). Table 3.2 presents a framework for categorizing the various answers.[11]

Table 3.2 Analytical framework for the various concepts of democracy (response codes in parentheses)

Normative and intrinsic concepts of democracy	*Instrumental concepts of democracy*	*Empty or non-specified concepts of democracy*	*Negative concepts of democracy*
Freedom (without saying what kind) (1)	Economic freedom (2)	Has no meaning (0)	Freedom, lack of (5)
Freedom of expression, of voting, of electing, of human rights (3)	Well-being, economic progress, growth (7)	Other response (80)	Well-being, lack of, no economic progress (8)
Freedom of movement (4)	Capitalism (9)	Don't know or no response (88)	Work, lack of (12)
Freedom to be independent (6)			Fraudulent elections (16)
Right to choose leaders (13)	Free trade, business freedom (10)		Equality, lack of, inequality (22)
Elections, voting (14)			Participatory limits (23)
Free elections (15)			Disorder, lack of justice, corruption (28)
Equality (without specifying) (17)	Work, greater opportunities of (11)		War, invasions (33)
Participation (without specifying) (24)			

The idea is that there are definitions that go beyond a rational, profit-maximizing calculus to focus on abstract aspects or political and institutional norms. The people for whom such definitions are more important conceive of democracy as a system based on principles and political processes without hoping for personal or family gain from democratic practices. Logic suggests that, as more citizens identify democracy with abstract or normative values, the more stable their support for the democratic political system will be, since this support will not be subject to the ups and downs of the national economy, political scandals, or the weakness of the ruling government.

Obviously, when the public shows greater support for negative or "empty" concepts, the stability and survival of the democratic regime will be in greater danger. It is important to note that even when people have negative or empty opinions of democracy, this does not mean an inevitable breakdown of the democratic order. After all, we are not analyzing the views of the country's political leaders or important political sectors that, ultimately, have the power to cause the breakdown of the democratic political order. Nonetheless, public

opinion is important to establish the parameters of what is and is not acceptable for political leaders. That is, if a wide majority of the people do not believe in democracy, political leaders will have the green light to act undemocratically. Figure 3.5 shows the percentage of respondents that express each conceptualization of democracy. The results are interesting: First, majorities—small in some countries, but majorities nonetheless—support normative conceptualizations of democracy. Second, Uruguayans express the highest levels of support for normative conceptions among all Latin American nations, equivalent with citizens of the United States and Canada. Third, the lowest support for normative conceptions is found in Brazil and El Salvador where only 51 per cent of citizens express such attitudes. These two countries also exhibit the highest percentage of "empty" conceptions, 41 and 43 per cent, respectively.

The results raise the question of what factors affect respondents' choice among conceptualizations. For this analysis, I employed a multinomial regression technique.[12] The appendix to this chapter shows the model results. The analysis reveals statistically significant differences in wealth and education between respondents who choose normative versus negative and utilitarian conceptions of democracy. In turn, those who express empty conceptions differ significantly in all demographic variables with those choosing normative.

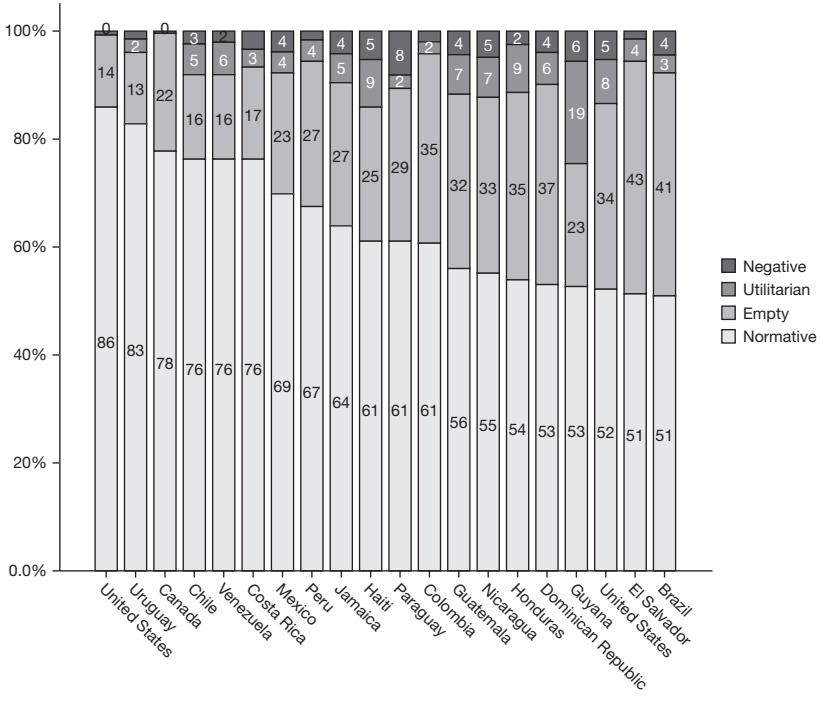

Figure 3.5 Alternative conceptions of democracy (%).

Figure 3.6 shows the relationship between education and conceptions of democracy. Those citizens who possess greater levels of education are significantly more likely to express normative or intrinsic definitions of democracy than those with lower education. These results point to the importance of education in promoting support for democratic values.

Figure 3.7 shows the relationship between wealth[13] and conceptions of democracy. As the latter increase, so do normative conceptions of democracy. While education and wealth are related, the results of the regression analysis demonstrate that they act independently of each other.

The analysis presented here provides evidence that individual level socioeconomic and demographic variables do help predict alternative conceptions of democracy: wealthier, more educated, male, urban residents are more likely to hold normative values. While individual national analyses may result in slightly different conclusions, it is clear that education is an important variable in determining the way in which citizens analyze democracy.

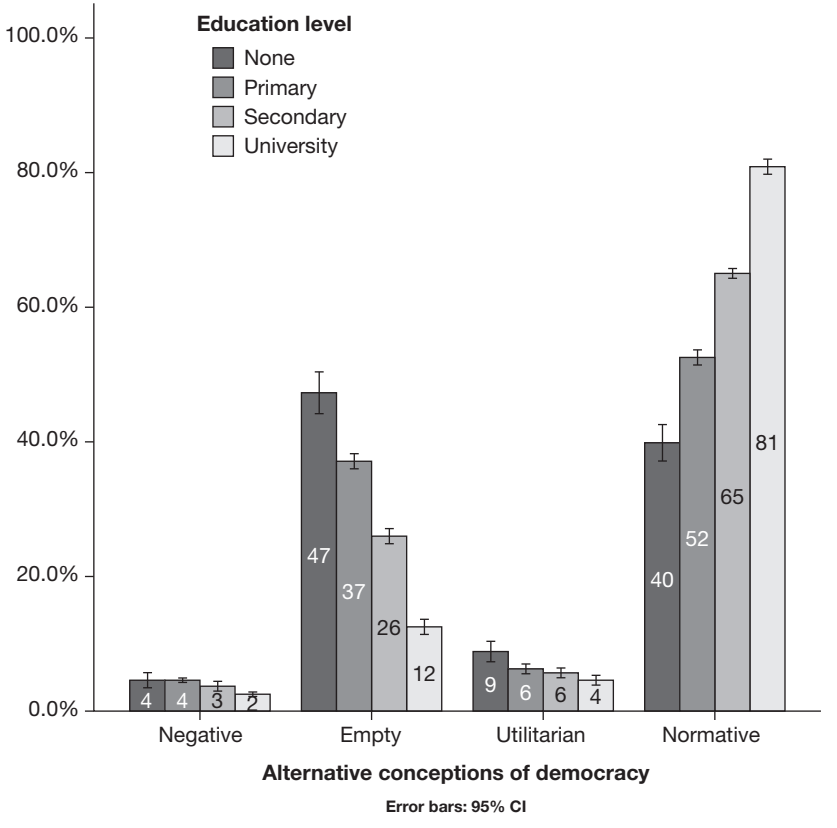

Figure 3.6 Alternative conceptions of democracy, by education level (%).

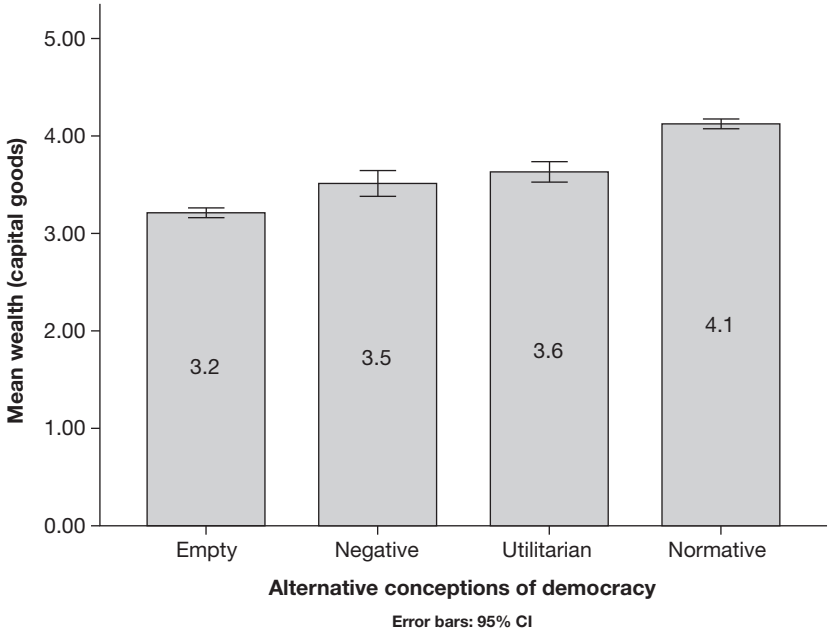

Figure 3.7 Alternative conceptions of democracy, by mean wealth.

Political Tolerance and System Legitimacy: Examining Values Supportive of Stable Democracy

The emphasis on support for democratic stability stems from the premise that, although public opinion is not totally determinant in a democratic regime, it is one of the most important factors behind political stability. In large measure, the legitimacy of the system depends on how citizens view it. Juan Linz, in his work on the breakdown of a democratic system, says that legitimacy depends largely on the public believing that existing institutions, despite their problems, are better than the alternatives (Linz 1978). We are talking about the political institutions here, not the administration in power. Seymour Martin Lipset defines legitimacy as "the capacity of a system to generate and maintain the belief that the existing institutions are the most appropriate for the society." Lipset's theory is based on the premise that political systems which receive the public's support, and therefore legitimacy, can survive even in the face of an economic or political crisis (Lipset 1981, 1994).

David Easton, in turn, talks about two important types of support: "specific" and "diffuse." The first refers to the public's support for the ruling government. Although this kind of support is important for those who govern, since it can influence the government's capacity to implement its policies, it is not as important as the second type of support. "Diffuse" support refers to support for

institutions, that is, the political system and the institutions that constitute it. The political system can survive when the administration or ruler in power is unpopular, but it is in danger when the institutions lose support and, therefore, legitimacy (Easton 1975).

Political tolerance is one of the most important democratic values. Support for the system is important for political stability but it does not guarantee the survival of democracy. Therefore, political tolerance, defined as an individual's acceptance of the rights of others to express varied opinions, is key to establishing a stable democratic regime. There is an extensive literature on political tolerance.[14] One of the most debated topics is how to measure tolerance.[15] This study measures tolerance through an index based on the responses to a series of questions (the D series) in the questionnaire. The original scale of these variables goes from 1 to 10.

The following questions were used for this analysis:

(01)	(02)	(03)	(04)	(05)	(06)	(07)	(08)	(09)	(10)	(88)
Strongly disapprove									**Strongly approve**	Don't know

D1. There are people who always speak badly of [country] form of government, not only the current administration, but the kind of government. How strongly do you approve or disapprove of these people's **right to vote**? Please read me the number on the scale. ***[Probe: Up to what point?]***

D2. How strongly do you approve or disapprove that these people can conduct **peaceful demonstrations** in order to express their points of view? Please read me the number.

D3. How strongly do you approve or disapprove that these people can **run for public office**?

D4. How strongly do you approve or disapprove that these people appear on television to **give speeches**?

For our analysis, we re-codified the variables to a scale of 0 to 100.[16] The mean of the scale is 57.

It is important to note that these results represent rankings on the scale and not percentages. The graph indicates that Jamaicans, a former British colony, exhibit the highest level of political tolerance in the region, equivalent to Canada and the United States. The lowest levels are expressed by Ecuador, Honduras, Bolivia, and Panama. The rest of the countries exhibit tolerance levels above the mid-point of the scale (i.e. 50 on the 0–100 scale). Note that Venezuelans

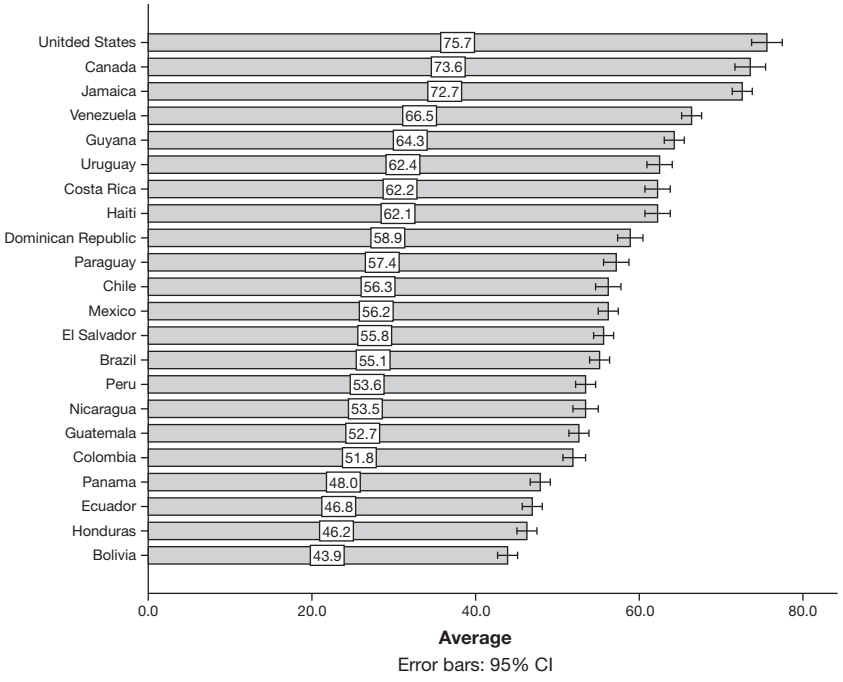

Figure 3.8 Political tolerance.

exhibit slightly higher political tolerance than Uruguayans. While the difference is not statistically significant, as evidenced by the overlap in the confidence interval, and thus we cannot say definitively that Venezuelans are more tolerant, the fact that the two nations are so high is a testament to the level of democratic values in Venezuelan citizens, despite the political changes occurring in the country.

System legitimacy is measured by a scale of support using five questions measured initially by a 1–7 scale, which was transformed to a 0–100 scale for purposes of the analysis.[17] These question seek to measure "diffuse" support rather than support for the current governments. The mean of the scale is 52.

1	2	3	4	5	6	7	8
None						**A lot**	NS/NR

B1. To what extent do you trust that the courts in [country] guarantee a just trial?

B2. To what extent do you respect the political institutions of [country]?

B3. To what extent do you think that citizens' basic rights are protected by the political system in [country]?

B4. To what extent are you proud to live under the political system of [country]?

B6. To what extent do you think the political system of [country] should be supported?

The results are presented in Figure 3.9. We find that there are four distinct groups of countries: First, the United States and Canada with the highest levels of system support well above the mean of the scale. Second, we have two countries, Costa Rica and Uruguay, that exhibit the highest levels among countries in Latin America, well above the mean for the scale and a statistically significant difference with the rest of the countries in the region. Third, Paraguay and Ecuador have the lowest levels of system support.[18] Fourth, we find a large group of countries in the middle with varying degrees of system support, ranging from Mexico relatively high to Haiti, Peru, and Brazil at the low end.

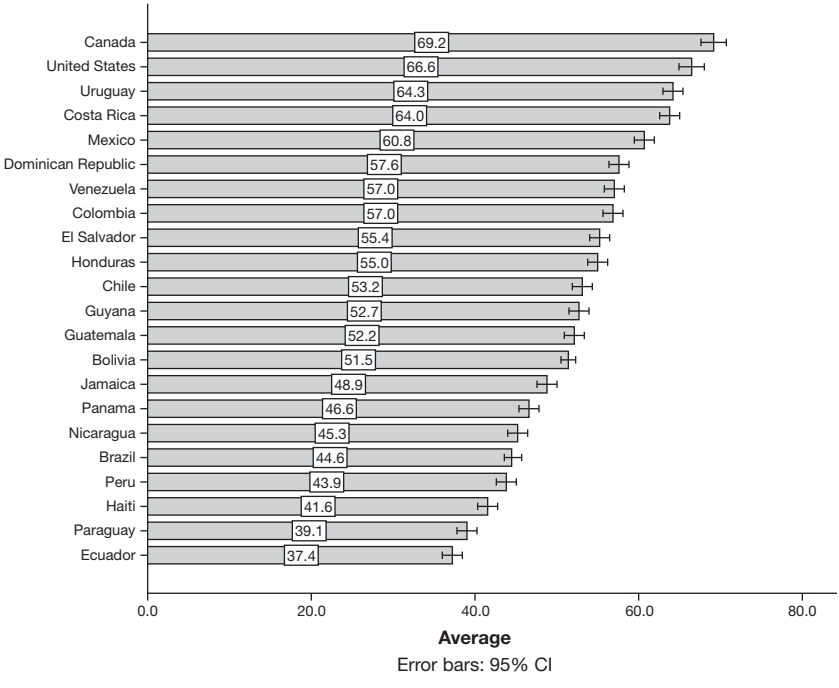

Figure 3.9 Political system support.

Now we will analyze the relation between political tolerance and support for the system. The analysis is based on dividing the tolerance and system support scales in half (50 of 0 to 100) and crossing both variables to obtain a two by two table that shows us the theoretical relation between tolerance and support for the system (see Table 3.3).

It is important to remember that this framework applies only to countries with an electoral democracy, since the effect of high and low levels of both support for the system and tolerance would be very different within an authoritarian system.

Seligson explains the logic of the classifications in the following manner:

> Political systems in which the public shows a high level of support for the system and high tolerance tend to be more stable. This prediction is based on the premise that the system needs strong support in non-authoritarian situations in order to guarantee its stability. By contrast, if people do not support their political system and have freedom of action, this will almost inevitably produce an eventual change in the system.
>
> (Seligson 2002)

In cases where tolerance is low, but support for the system is high, "the system should remain stable (given the high level of support), but the democratic government might be at risk. Such systems tend to move toward authoritarian (oligarchic) regimes which restrict democratic rights" (ibid.). A situation of low support for the system opens up the possibility of instability in the political system. Where there are high levels of tolerance, "it is difficult to predict if the instability will result in greater democratization or in a period of instability characterized by considerable violence" (ibid.). If the tolerance levels are low, by contrast, "the breakdown of the democratic order would seem to be the most logical result" (ibid.).

However, it is very important to note that public opinion cannot cause the breakdown of a political system. There are innumerable factors that influence such an event, from economic conditions and the geopolitical climate to the policies adopted by the elite and ruling governments. Nonetheless, there is no doubt that a political system which has little support and whose citizens are intolerant is more susceptible to a breakdown of democracy.

Table 3.3 Theoretical relation between tolerance and support for the system

Support for the institutional system	*High tolerance*	*Low tolerance*
High	Stable democracy	Authoritarian stability
Low	Unstable democracy	Democratic breakdown

Source: This theoretical framework was first presented in Mitchell A. Seligson, "Toward a Model of Democratic Stability: Political Culture in Central America," *Estudios interdisciplinarios de América Latina y el Caribe*, 11, 2 (July–December, 2000): 5–29.

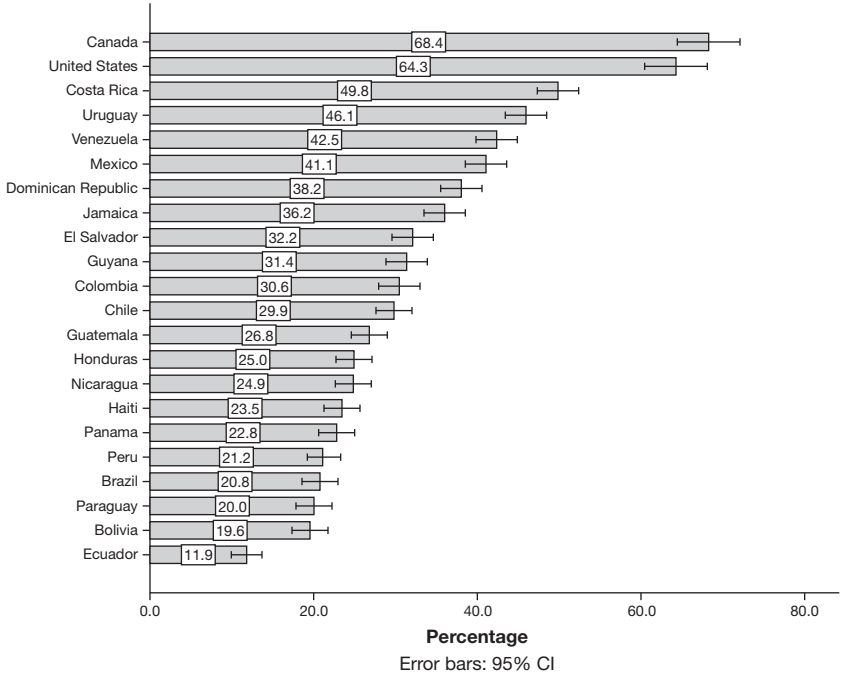

Figure 3.10 Attitudes supportive of stable democracy.

Figure 3.10 provides the percentages of citizens who fall in the "stable democracy" cell. These individuals express both high tolerance and high system support and would be considered the ideal citizens for sustaining democratic governance. Significantly, only in Canada and the United States do a majority of respondents express attitudes supportive of stable democracy. Uruguay and Costa Rica are the highest among the Latin American countries, and only 46.1 and 49.8 per cent, respectively, of citizens in those two nations express high tolerance and high system support. In many nations fewer than a third express such attitudes and in Ecuador slightly more than 10 per cent do so.

The problem lies primarily with the relative low levels of system support exhibited in Latin America. As will be examined in the rest of the volume, the levels of system support are, no doubt, linked to a series of institutional, political, social, and economic problems facing the nations of the region. These problems stem from weak and fragile institutions, crime and insecurity, poverty, unequal distribution of wealth, and the negative effects of globalization.

Conclusion

This chapter began with a question: Do Latin Americans possess the requisite political culture to sustain democratic governance? I have tried to answer this

question by focusing on five specific values: (1) general preference and satisfaction with democracy; (2) alternative conceptions of democracy; (3) support for the political system; (4) tolerance; and (5) attitudes supportive of "stable democracy." The answer as with much of the analyses conducted about Latin America is complex and depends on various factors. Latin Americans do generally support democracy as the best form of government. It seems that for many in the region democracy is truly the only game in town. However, that does not mean that everyone adheres to the same meaning of democracy. Institutionally we know that in places like Venezuela, Ecuador, and Bolivia leaders are implementing populist and radical left policies that seek to transform the traditional liberal representative notions of democracy. Whether they will succeed or not is a question explored in other chapters in this volume.

While most citizens in the region express support for democracy as the best possible regime, most are unsatisfied with how democracy works. For many democracy is equated with failed economic policies, rising crime, and corruption. The fact that fear of crime is associated with lower satisfaction is clear evidence of the negative effects that rising criminal activity has, and will continue to have, on support for democracy. Support for democracy also seems to be conditioned on perceptions of the job performed by the incumbent presidents. Given how fragile and volatile presidential ratings can be, it should not surprise anyone that we will continue to witness weak satisfaction with democracy in many countries of Latin America.

Support for attitudes conducive to a "stable democracy" seem weak in Latin America compared to Canada and the United States, primarily owing to relatively low levels of support for the political system and weaker levels of political tolerance. While citizens in some nations such as Costa Rica and Uruguay exhibit relatively robust levels of support for attitudes conducive to a stable democracy, others such as Paraguay, Ecuador, Haiti, and Bolivia express alarmingly low levels, thus helping to explain the political instability exhibited by these nations in the last decade.

Finally, this chapter has found that many in Latin America have either empty or negative conceptions of democracy, in some cases higher than 40 per cent. However, majorities do still cling to a normative or intrinsic definition of democracy rooted in freedom, political and civil rights. These attitudes are conditioned by a number of demographic variables: among the most important are wealth and education. Education and economic well-being are thus closely linked to an understanding of democracy that is more likely to sustain citizens' support even under economic and political crises. For many less educated, poorer, and rural citizens democracy is either an empty vessel without real meaning or a failed instrument for obtaining concrete benefits. In both cases, democratic support and stability falters as citizens' needs and expectations are not met. In such circumstances, many are willing to support alternative forms of government or heed the siren call of populism.

Appendix 3.1 Predictors of the different conceptions of democracy, multinomial regression analysis, parameter estimates

Alternative conceptions of democracy								*95 per cent confidence interval for exp(B)*	
		B	*Std. Error*	*Wald*	*df*	*Sig.*	*Exp(B)*	*Lower bound*	*Upper bound*
Negative	Intercept	–2.044	0.224	83.468	1	0.000			
	Gender	0.018	0.068	0.070	1	0.791	1.018	0.891	1.163
	Age	0.002	0.002	0.881	1	0.348	1.002	0.998	1.007
	Education	**–0.049**	**0.009**	**30.920**	**1**	**0.000*** **	**0.952**	**0.936**	**0.969**
	Wealth	**–0.137**	**0.018**	**55.550**	**1**	**0.000*** **	**0.872**	**0.841**	**0.904**
	Size of city	–0.047	0.037	1.630	1	0.202	0.954	0.887	1.026
	Urban/rural	0.142	0.124	1.312	1	0.252	1.153	0.904	1.470
Empty	Intercept	0.705	0.100	49.552	1	0.000			
	Gender	**0.301**	**0.030**	**99.655**	**1**	**0.000*** **	**1.352**	**1.274**	**1.434**
	Age	**–0.014**	**0.001**	**182.834**	**1**	**0.000*** **	**0.986**	**0.984**	**0.988**
	Education	**–0.118**	**0.004**	**840.220**	**1**	**0.000*** **	**0.889**	**0.882**	**0.896**
	Wealth	**–0.145**	**0.008**	**310.863**	**1**	**0.000*** **	**0.865**	**0.851**	**0.879**
	Size of city	**–0.082**	**0.017**	**24.152**	**1**	**0.000*** **	**0.922**	**0.892**	**0.952**
	Urban/rural	**0.238**	**0.055**	**18.680**	**1**	**0.000*** **	**1.269**	**1.139**	**1.413**
Utilitarian	Intercept	–2.275	0.178	163.028	1	0.000			
	Gender	–0.014	0.054	0.066	1	0.797	0.986	0.888	1.095
	Age	0.002	0.002	1.521	1	0.217	1.002	0.999	1.006
	Education	**–0.034**	**0.007**	**25.018**	**1**	**0.000*** **	**0.966**	**0.953**	**0.979**
	Wealth	**–0.072**	**0.014**	**24.983**	**1**	**0.000*** **	**0.931**	**0.905**	**0.957**
	Size of city	–0.052	0.030	2.910	1	0.088	0.950	0.895	1.008
	Urban/rural	**0.460**	**0.100**	**20.971**	**1**	**0.000*** **	**1.583**	**1.301**	**1.928**

The reference category is: Normative. N: 25,290, Pseudo R^2: .099. * sig. < 0.05. ** sig. < 0.01. *** sig. < 0.001.

Notes

1 The samples in Canada and the United States were conducted by telephone using random digit dialing technique.
2 Additional information may be obtained at www.lapopsurveys.org.
3 (ING4): Democracy may have problems, but it is better than any other form of government. The answers were transformed into a 0–100 scale for better illustration.
4 Note that the confidence interval is represented by the "I" at the top of each bar. When they overlap between bars the differences are not statistically significant. The longer the "I" the greater the dispersion about the mean, and thus greater variability in the responses.
5 Since coming to power in 1999 Hugo Chávez has dismantled the liberal representative institutions of the previous political system and constructed a regime based on direct popular appeal to the masses through a set of institutions increasingly controlled by the executive. Chávez has repeatedly used popular referenda to seek approval for his agenda, along with a set of local institutions to mobilize citizens in support of the regime's aims and ideals. For a fuller description of Venezuela's current political system (see Nilsson, Chapter 16, and Carrión, Chapter 14, in this volume).
6 The question was: *PN4. In general, are you very satisfied, satisfied, unsatisfied, or very unsatisfied with the way democracy works in [country]?* The answers were transformed into a 0–100 scale for better illustration.
7 The paradoxical case of the United States where low presidential approval is coupled with high satisfaction with democracy may reflect the level of maturity of democracy in the US, whereby presidential performance and the political system are judged by citizens separately.
8 For additional evidence of the connection between crime and democratic values see Pérez (2003–4: 627–44).
9 This section draws heavily from Pérez (2007).
10 Critiques of liberal democracy by the political and scholarly left have centered on this phenomenon.
11 The author wishes to thank Dr. Mitchell A. Seligson and his team at the central office of the Latin American Public Opinion Project (LAPOP) at Vanderbilt University for developing this framework.
12 For additional explanation of this technique see Borooah (2001).
13 We measure wealth through a scale of possession of capital goods; higher numbers indicate greater wealth.
14 See Stouffer 1955; Seligson and Caspi 1982, 1983a, 1983b; Sullivan et al. 1982; Gibson and Bingham 1985; Gibson 1988, 1989, 1992a, 1992b, 1993.
15 For a more thorough discussion of this topic, see the section on political tolerance in Seligson (2002, 45–6).
16 The conversion is made by subtracting 1 from each score. Then each score is divided by 9, so that each one is located in a range from 0 to 1. Finally, this score is multiplied by 100.
17 The conversion is made by subtracting 1 from each score. Then each score is divided by 6, so that each one is located in a range of 0 to 1. Finally, this score is multiplied by 100.
18 Note that shortly after this survey was taken Ecuador elected Rafael Correa, a radical leftist, to the presidency. Additionally, in the last few years Ecuador has suffered several extra-legal changes of government, popular protests and military interventions.

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4 Latin American Democracy
How is it Viewed From the North?

Ambler H. Moss Jr.

> Y es que en este mundo traidor, no hay verdad ni mentira: todo es según el color del cristal con que se mira.[1]
>
> Ramon de Campoamor

If one gazes southward toward contemporary Latin America with an inquiring eye, democracy is actually one concept which comes easily to the northern mind. That wasn't always so, obviously, but Latin American democracy has now been accepted as a reality for well over a decade by the knowledgeable public. It is not, however, the only thought about Latin reality that comes to mind. Nor is it necessarily regarded as a feature of the landscape with the permanence of the Andes. In fact, even to some who most earnestly celebrate Latin American democracy, it may look more like the Amazon rainforest; green and magnificent but withering under serious attack by macheteros.

The title of this book, "emerging reality or endangered species," asks the North how it sees democracy in Latin America and, by implication, whether it believes democracy has a future there. This chapter will look primarily to US interlocutors but without ignoring Canada and the European Union, especially Britain. They are certainly components of the "North" for our purposes. We will look particularly at attitudes among six different sectors: government, the military and security community, the private sector, academia, non-governmental organizations (NGOs), and the media. The North, like everyone else, is multi-dimensional.

Let's face reality: most of the North shares one common attribute regarding its view of Latin America, and that is ignorance (though perhaps Spain is partially exempt from this characterization). A Zogby poll published in August 2007 states unsurprisingly that "As the United States struggles with a sagging public image in many Latin American countries, American adults show a stunning ignorance about the region. Only 10 per cent of online poll respondents said they were familiar with Luiz Inacio Lula da Silva, the second-term president of Brazil, South America's largest country. And just 20 per cent were familiar with Felipe Calderon, the President of Mexico, who was elected last summer in an extremely close race that captured global headlines." Moreover, the poll showed,

although most respondents correctly identified Mexico and Brazil as important to the United States, they identified Colombia, the greatest recipient of US aid, as an adversary (Zogby International 2007).

In a new Zogby poll released on January 26, 2008, it remained clear that US attitudes toward Latin America were limited and narrowly focused. "This survey suggests that the United States public sees Latin America increasingly through an immigration lens, and a very negative one at that," said Peter Hakim, the President of the Inter-American Dialogue (Zogby International 2008). The poll also showed negative attitudes toward remittances sent by migrant workers to their home countries and toward NAFTA and other trade agreements with Latin America. It also showed that "Only 7 per cent of American adults believed the Latin American region 'is most important to the United States,' ranking behind the Middle East (43 per cent), East Asia (20 per cent) and Europe/Russia (12 per cent)" (ibid.).

Small wonder, then, that the 2008 US political primary debating season elicited so little mention, if any at all, about that state of Latin America. In the US, academics as well as career foreign service officers have lamented the level of ignorance in the US Congress about Latin America, with a few notable exceptions such as Senator Chris Dodd. Professionals who have been on the receiving end of the CODELs (official congressional visits) will not disagree. It's now safe to say that the next president of the United States will know relatively little about Latin America. By contrast, many Latin American presidents and officials know quite a lot about the US, even those who have not actually studied here.

Beneath that surface of ignorance, however, there is considerable interest and knowledge about the region across different sectors of the population. Academia, especially in the United States and Canada, is such an area. Not only are there centers of Latin American studies in numerous universities but a large organization operating from the University of Pittsburgh, the Latin American Studies Association (LASA), whose present president is Canadian, boasts a membership of over five thousand (75 per cent of whom are in the US). LASA bridges many academic disciplines.

LASA holds meetings of its members, called "International Congresses" every eighteen months, the latest being held in Montreal, Canada,[2] in September, 2007. It included some seven hundred sessions in which hundreds of papers were presented. LASA's publication, the *Latin American Research Review*, is highly valued by academics. The next Congress, to be held in Rio de Janeiro, Brazil, in June, 2009, will concentrate on the problem of inequalities in countries of the region.

Yet even in official Washington, there has been a growing awareness of democracy in the region for over thirty years. Human rights and democracy were emphasized by the Carter Administration and by the Reagan Administration in Central America, although admittedly with a strong Cold War overlay, Democracy was certainly given a boost by President George H.W. Bush's post-Cold War initiative, the Enterprise for the Americas Initiative (1990). The EAI drew attention to the hemisphere by proposing a top-to-bottom free trade area.

The EAI project could be possible only with democracies. In fact, a new wave of democratization in Latin America had already begun by 1978. Democracy advanced in the Dominican Republic, Peru, Honduras, and Bolivia, though with considerable imperfections. The military were thrown out of power in Argentina after the disastrous Malvinas (Falklands) war of 1982. Democracy was restored in El Salvador and Uruguay in 1984, in Brazil in 1985, and the dictatorships of Chile (Augusto Pinochet) and Paraguay (Alfredo Stroessner) ended in 1989. The Protocol of Cartagena of 1985 had added preambular language to the Organization of American States (OAS) Charter that said "Convinced that representative democracy is an indispensable condition for the stability, peace and development of the region."

The United States had supported the creation of a Unit for the Promotion of Democracy in the OAS (1990), and the organization adopted Resolution 1080 and the "Santiago Commitment" to back democracy in the hemisphere (1991). The OAS Charter itself was amended by The Protocol of Washington, adopted by the OAS General Assembly in 1992; it established that a member state whose democratically constituted government has been overthrown by force may have its right to participate in the councils of the Organization suspended (see commentary by Nash (1994)).

Action was taken (though not forcefully enough) in Haiti in September, 1991, in Peru in April, 1992 (Inter-America Dialogue 1992), and again in 2000 which ended with the resignation of President Alberto Fujimori.

Then, when the Miami Summit of the Americas convened in December, 1994, all heads of state and government were freely elected (except for Cuba, not invited). They committed to the Free Trade Area of the Americas (FTAA). Two Summits later, at the April, 2001, Summit in Québec City, it was made clear that the FTAA was open only to democracies.

But well before that, the four Latin American countries—Argentina, Brazil, Paraguay, and Uruguay—which established MERCOSUR (Southern Common Market) in 1991 laid down the principle early on that the pact was open only to democracies.

The point was underscored by the Inter-American Democratic Charter signed in Lima by Secretary of State Colin Powell on the fateful day of September 11, 2001. By this time, active observers in all sectors, not just government, would know that the free election of presidents and prime ministers of the Americas was the permanent norm, with the sole exception of the waning Cuban dictator Fidel Castro. All of this represents a turn in history that many of us never thought we would see in our lifetime.

In that sense, whatever we may worry about democracy being an "endangered species," present reality contrasts absolutely with the horrors of times in the recent past: to name just a few, Marcos Pérez Jiménez, Rafael Leónidas Trujillo, Papa Doc, the Brazilian, Argentine, and Uruguayan generals, Chile's Augusto Pinochet—or, for that matter, the far more benign but equally unrepresentative decades of one-party rule by the PRI in Mexico. In general, the Latin American military lost its appetite for government. Whether it was a major coming of age,

historical inevitability, a peace dividend from the Cold War, whatever, it certainly was to be celebrated (an excellent work on this transition is Millett and Gold-Bliss (1996)).

Nevertheless, certain turns of events frighten observers in the North, rightly or wrongly, and temper their enthusiasm. Realistically, they worry about the viability of electoral democracy in societies still racked by poverty, inequality, weak social and political structures, low economic growth rates, and the appeal of populism to the legions of have-nots. Is reality the pattern of free elections, certified by the United Nations and the Organization of American States and by outside observers such as the Carter Center and human rights groups, or is that just a Potemkin village hiding a lot of mess? Did democracy reach its high point around 2001 and is now in decline?

Northerners old enough to remember Tad Szulc's book *Twilight of the Tyrants* (Szulc 1959) will remember its great lesson. Szulc celebrated the fall of a series of ugly dictators, but, after he wrote the book, the pendulum was not long in swinging back to a wave of authoritarianism. Even today we should bear in mind a warning by Richard Millett, who said:

> Traditional coups are no longer in fashion, but this does not mean that the military no longer believes that it has the right to judge civilians. In most nations, officers still perceive themselves as serving *el estado* or *la patria* rather than the government or the population. If the government fails in its mission to serve *el estado*, then the military has the obligation to judge and correct this situation. (Millett and Gold-Bliss 1996, 295)

Nonetheless, what worries the North more than the specter of military intervention is civilian discontent and its possible consequences. The state of hemispheric economics and social issues has inevitably produced rejection of neoliberalism, that centerpiece of the "Washington Consensus" (Williamson 1990), anger at the IMF and World Bank, and other manifestations interpreted as anti-Americanism. It has also produced a leftward shift in electoral results in a number of countries. A concern in the North, of course, is that the "new left" represents a danger to democracy.

Does the rise of a "new left" portend a "reverse wave" in the cycles of democracy? Some in the North might say so. Some also make a connection between the enormously expanding trade and investment relationship between Latin America and China with a Chinese involvement in Latin politics (see Ellis 2005).

Wiser heads have counseled that this is not the case. Moreover, they point out that there is an important difference between leftists (Castañeda 2006). There is a clear distinction between a social-democratic left (Chile, Brazil, and Uruguay) and the more "populist" variety represented by Venezuela, Bolivia, Ecuador, and Nicaragua. Cynthia J. Arnson explains that

> electoral outcomes of the past two years reflect popular dissatisfaction with the failure of two decades of neo-liberal reform to deliver broadly-shared social benefits, as well as the traditional political elites to respond to

> demands for greater equity, participation, and economic, political and social inclusion. . . . Some 40 per cent of all Latin Americans still live in poverty . . . and rates of Latin America's already high inequality have worsened as a result of structural adjustment. (Arnson 2007)

She questions, however: "Do these electoral victories reflect democracy's maturation in Latin America or its decay?" Certainly, the issue poses as many questions as it answers.

Robert Kaufman (Kaufman 2007) sees the effect of leftist populism on democracy more benignly, even in the most strident presidencies. He states: "Whether any of the current left populist governments can evolve in a more moderate direction will depend on whether they can pursue more realistic economic policies and—as important—whether they can establish political organizations that accept a role as one of the several legitimate contenders for office." He sees hope in leaders who operate in the framework of established political parties (especially Presidents Cristina Kirschner, Daniel Ortega, and possibly Alan García if his APRA party experiences a renewal).

The Inter-American Dialogue, thought by many to be the leading US think tank which studies Latin America, has conducted a project since 1996 on "Constructing Democratic Governance in Latin America." Incorporating chapters from scholars in Canada, Latin America and the Caribbean as well as the United States, it has published two volumes, with a third now in preparation for publication in 2008. The study provides a thorough view of progress as well as the multiple failures and shortcomings of democracy's full consolidation (Dominguez and Shifter 2003).

We should note that US military leaders and thinkers seem to be in full agreement with Cynthia Arnson's view and that of most US academics as to the sources of instability. In his "Posture Statement" to the Armed Services Committees of the Congress in March, 2007, Admiral James Stavrides, Commander of the United States Southern Command, said:

> we at SOUTHCOM also devote a considerable amount of energy to the study of the significant challenges confronting the region—challenges such as crime, gangs, and illegal drug trafficking as primary examples. These challenges loom large for many nations in the region; they are transnational, adaptive, and insidious threats to those seeking peace and stability. By their nature, these challenges cannot be countered by one nation alone. Therefore, they require cooperative solutions involving a unified, full-spectrum governmental and international approach in order to best address them. *In many cases, the main source for these challenges stems from the underlying conditions of poverty and inequality that are prevalent in most of the area* [emphasis added]. According to 2005 United Nations statistics, about 40 per cent of the region's inhabitants are living in poverty, defined as an income of less than two US dollars per day. Of that number, about 16 per cent are living in extreme poverty—less than one dollar per day. Couple these poverty figures with the most unequal distribution of wealth

> for any of the world's regions, and you have a catalyst for potential social and political insecurity and instability. Stemming from these underlying conditions, illegal drugs and crime are the most pressing security concerns for this part of the world—and based upon the region's proximity and linkages to the United States, a security concern here at home as well.

Admiral Stavrides is being completely consistent with his predecessors who have been in command at SOUTHCOM. In public addresses they regularly described poverty as the greatest threat to the region's security. There seems to be a genuine post-Cold War consensus among the US military who study and appreciate the problems of Latin America.

Likewise, it now goes without saying that US military leaders emphasize the importance of strengthening democracy in Latin America and seek its protection. In the same Posture Statement, Admiral Stavrides said:

> Beyond the cultural and economic linkages, perhaps the most important connection we share with the region is a social and political sense that respects democracy, freedom, justice, human dignity, human rights, and human values. We share the belief that these democratic principles must be at the core of what we accomplish in the region and that free governments should be accountable to their people and govern effectively.

Comments such as these by the admiral (and by his recent predecessors) also show, importantly, that there is now a confluence of thinking between the State Department and the US military in their analysis of Latin American democracy's strengths and weaknesses.

Observers in the North, of course, worry understandably about the concept made famous by Fareed Zakaria of a worldwide wave of "illiberal democracy." The idea is that "Democratically elected regimes, often ones that have been reelected or reaffirmed through referenda, are routinely ignoring constitutional limits on their power and depriving their citizens of basic rights and freedoms" (Zakaria 2003). Obviously, Venezuela's Hugo Chávez has been the anti-democratic poster child in Latin America, with his property confiscations and clampdown on freedom of expression.

Chávez's regime is an excellent example of what political scientist Guillermo O'Donnell called "delegative democracy." As he explained the term: "Delegative democracies rest on the premise that whoever wins election to the presidency is thereby entitled to govern as he or she sees fit, constrained only by the hard facts of existing power relations and by a constitutionally limited term of office" (O'Donnell 2005).

Nevertheless, Chávez's attempt to effect basic changes to the country's constitution through a referendum in December, 2007, were at least temporarily wrecked when the plebiscite lost the vote. Significantly, recently retired General Raúl Baduel, who as a loyalist had rescued Chávez from a coup attempt in 1992, had come out publicly against the referendum, saying its approval would amount to a *golpe de estado*. Furious, Chávez described Baduel's actions as treason, yet

the general kept on talking. None of this has turned Chávez in a different direction, but it does show that illiberal democracy is far from invincible or inevitable. Similarly, delegative democracy in the case of Chávez is incomplete, at least thus far.

The debate over populism and illiberal democracy naturally leads us to examine what, North and South, is actually meant by democracy. The two sides seem to talk the same talk, but do they mean the same thing? Peruvian novelist (and former presidential candidate) Mario Vargas Llosa in a conference organized by the Woodrow Wilson International Center for Scholars[3] argued that Europeans (and by extension North Americans) have viewed Latin America "through the eyes of fantasy and myth onto which they have projected their own political deceptions and utopian visions." Francis Fukuyama, referring to the effects of the "Washington Consensus" economic reform package, said that "the United States has erred by projecting onto other societies its own experience with democracy and free markets as the means for achieving social mobility and inclusion; in many Latin American countries, social systems are characterized by entrenched hierarchies and ethnic exclusion that inhibit social mobility."[4]

But, is it accurate from a historical perspective to look at the "northern" concept of democracy in that way? If the North is projecting its own particular view onto Latin America, where does it come from?

We don't need to belabor the troubled evolution of democracy in the United States itself, beginning in the era in which only a small number of white landowners, perhaps 6 per cent of the entire adult population, were empowered as voters to elect George Washington as first president. Nor would it be fair, in the light of recent presidential elections, to assert that perfection of democracy has been fully achieved in the United States.

During the Cold War era, when anti-communism was the operating principle of US foreign policy, the State Department's vision of democracy in Latin America was a fairly narrow one. Democracy meant a more or less freely elected government, with extra points assigned and credit given if it supported US policy. The report prepared by Milton Eisenhower for his brother reflected principally the view that the United States should support better living standards, economic growth, health, and education, as well as the strengthening of cultural ties (Eisenhower 1953).

But, lest we forget, even in mainstream US thinking (quite apart from the right wing) the importance of democracy paled in comparison with anti-communism. It is worth remembering the language, which, if it sounds strange or hysterical today, was then the norm. In Caracas, in March, 1954, the Tenth Inter-American Conference defined 1972 communism as a threat to the Americas (Sklar and Hagen 1972). It stated, *inter alia*:

> The Tenth Inter-American Conference
>
> CONDEMNS:
> The activities of the international communist movement as constituting intervention in American affairs;

EXPRESSES:
The determination of the American States to take the necessary measures to protect their political independence against the intervention of international communism, acting in the interests of an alien despotism;

REITERATES:
The faith of the peoples of America in the effective exercise of representative democracy as the best means to promote their social and poetical progress; and

DECLARES:
That the domination or control of the political institutions of any American State by the international communist movement extending to this Hemisphere the political system of an extra continental power, would constitute a threat to the sovereignty and political independence of the American States, endangering the peace of America, and would call for a meeting of consultation to consider the adoption of appropriate action In accordance with existing treaties.

This was the "blank check" that Washington needed. The advocacy of better relations and understanding was trumped by anti-communism. In June, 1954, the freely elected government of President Jacobo Arbenz, of Guatemala, a reformer but certainly not a communist, was overthrown by Washington, with disastrous results in succeeding decades. President Bill Clinton would formally apologize in 1999 for Washington's alliance with Guatemalan regimes that had massacred their own citizens with US aid.

Not long after the coup in Guatemala, a far more enlightened report by the American Assembly of Columbia University went further than had the Eisenhower Report, calling outright for the support of democracy:

> Consistent with the traditional American opposition to tyranny, the United States supports the strengthening of democratic institutions, including periodic free elections as well as the freedom of the press, assembly, religion and the development of governments which respect basic civil liberties and the rule of law, which are representative in form and which fulfill the principles of the Organization of American States.
>
> We should avoid helping regimes which fail to observe these principles but should support policies which will help raise the levels of education and health and standards of living of people under those tyrannies. . . . The best answer to communism is to help raise the standards of living and encourage social justice, democratic government and free trade-union structures. At the same time, we are opposed to dictatorial movements of every kind. The enemy is totalitarianism at both extremes of Left and Right. (*New York Times*, October 19, 1959)

That report, of course, did not serve to replace anti-communism as the cornerstone of US policy in Latin America. The era of friendly dictators would continue until the end of the Cold War.

Yet, in 1969 the Organization of American States adopted the American Convention on Human Rights, which contained an article on democracy:

> **Article 23. Right to Participate in Government**
>
> 1. Every citizen shall enjoy the following rights and opportunities:
>   a. to take part in the conduct of public affairs, directly or through freely chosen representatives;
>   b. to vote and to be elected in genuine periodic elections, which shall be by universal and equal suffrage and by secret ballot that guarantees the free expression of the will of the voters; and
>   c. to have access, under general conditions of equality, to the public service of his country.
> 2. The law may regulate the exercise of the rights and opportunities referred to in the preceding paragraph only on the basis of age, nationality, residence, language, education, civil and mental capacity, or sentencing by a competent court in criminal proceedings.

It was, as both ends of the hemisphere would appreciate, often honored in the breach in Latin America.

Even while conducting military and paramilitary operations in Central America, the Reagan Administration attempted to capitalize on the advances of democracy in Latin America to promote its Central American policies. The National Bipartisan Commission on Central America (known as the "Kissinger Commission") was organized in 1983. Its report in early 1984[5] offered political and economic recommendations to deal with the Central American "crisis." The report, however, was strongly unilateralist and did not take seriously Latin American efforts through the Contadora Group and its Support Group, even though these countries were democracies.

All of that is now history. Moreover, we should note that in the United States today, democracy is viewed through even broader a prism than free and fair election of public officials. It certainly goes to the structure of institutions, to constitutionality, to civil liberties and to a range of substantive issues involving social services, equality of opportunities and other such considerations.

Nevertheless, a somewhat confusing factor in the North's discourse on democracy is the concept of "freedom." Are freedom and democracy synonymous? How does the North see them as regards Latin America? Freedom has become, in many ways, the coin of the realm of the present Bush administration since the Iraq war. A recent article comments that "In his second inaugural address, on 20 January 2005, President George W. Bush used the word 'freedom' 25 times, 'liberty' 12 times, and 'democracy' or 'democratic' three times."[6] Is "freedom" a more inclusive term or a less inclusive term than "democracy?"

Or does "freedom," when used by President Bush, simply refer more to being in tune with US interests and policies (i.e., "with us or against us")?

The term "freedom" with respect to countries has of course been around longer than the Bush Administration. The nonpartisan NGO Freedom House, founded in 1941 (by Eleanor Roosevelt, according to its website)[7] and based in New York and Washington, DC, has as a mission statement, in part:

> Freedom House is an independent nongovernmental organization that supports the expansion of freedom in the world. Freedom is possible only in democratic political systems in which the governments are accountable to their own people; the rule of law prevails; and freedoms of expression, association, and belief, as well as respect for the rights of minorities and women, are guaranteed.

Its reports are widely read in government and academia in the United States. Annual "scores" of freedom are published by the organization, with the rankings of "free," "partially free," and "not free." In the Americas, only Cuba is listed as "not free," but several Latin American countries (Guatemala, Honduras, Nicaragua, Haiti, Colombia, Venezuela, Ecuador, Bolivia, and Paraguay) are rated as "partially free." The 2007 Report comments that "the continued weakness of democratic institutions—even after holding democratic elections—in a number of countries continues to hamper further progress" and that "the number of Free countries has remained largely unchanged since the high point in 1998."

The criteria used by Freedom House are, if anything, much more inclusive than those generally used in the InterAmerican system to describe whether or not a country is a "democracy." They are: Civil Liberties and Political Rights, with the subcategories:

Political Rights
A: Electoral Process
B: Political Pluralism and Participation
C: Functioning of Government

Civil Liberties
D: Freedom of Expression and Belief
E: Associational and Organizational Rights
F: Rule of Law
G: Personal Autonomy and Individual Rights

It would be safe to say, though, that the view of the North about Latin American democracy is colored more by its own view of its democracy than by standards of Freedom House.

A comprehensive look at democracy in the United States is contained in political scientist Robert A. Dahl's term, polyarchy.[8] Going well beyond

electoral democracy, it embodies a multifaceted approach to governance. Dahl wants to expand democracy by extending citizenship "to a relatively high proportion of adults, and the rights of citizenship include the opportunity to oppose and vote out the highest officials in the government." Thus, "polyarchy is a political order distinguished by the presence of seven institutions, all of which must exist for a government to be classified as a polyarchy." These are, to summarize Dahl's (1989, 221) table:

1. Elected officials control government decisions
2. Free and fair elections choose elected officials
3. Inclusive suffrage, to include practically all adults
4. Right to run for office, to include practically all adults
5. Freedom of expression, in all political matters
6. Alternative information; alternative sources are available and are protected
7. Associational autonomy; right to form independent groups, parties, interest groups.

Is polyarchy the same as democracy? Dahl tells us that its institutions are necessary to democracy "on a large scale, particularly the scale of the modern national state. . . . All the institutions of polyarchy are necessary to the highest feasible attainment of the democratic process in the government of a country" (Dahl 1989, 222).

Dahl admits that there are other ways that people have looked at democracy and found them to be valid. One of the oldest is the ancient Athenian model of assembly, or direct participatory democracy still found in small units such as the Vermont town meeting (Dahl 1998). Such a concept is not unlike what President Hugo Chávez is calling for in Venezuela (with himself as its perpetual head, of course).

Among academics in the United States who observe democracy in Latin America, some accept Dahl's formula but often find it convenient to focus more on political democracy (or electoral democracy) to distinguish it from authoritarianism which has so often reared its head. A leading scholar, Peter H. Smith, in his leading work *Democracy in Latin America* refers to three principles: participation (no substantial part of the population is excluded), competition (elections are free, fair and regular), and respect accountability (representatives serve as agents of their constituencies (Smith 2005)).

But Smith and other sophisticated observers in the North look at more than structure and procedural matters in Latin America, of course; they also get into performance. Gabriel Marcella of the US Army War College points out that: "The first test of democracy is procedural legitimacy, that is, coming to power legitimately and employing it within the rules. The second test is substantive legitimacy: the ability and willingness to deliver on the promise of effective governance" (Marcella 2007). The effects of continuing poverty, inequality, and unacceptable living conditions detract from legitimacy and breed resentment and a crisis of authority, Marcella says. For that reason, support for political

parties, once quite high, is now low. Moreover, a significant percentage of people in some countries believe that "civic rebelliousness" is justified and perhaps even necessary, as shown in *Latinobarómetro* polls (Marcella 2007, 9).

Marcella makes an extremely important point, which has also been raised by other commentators. That is, if there is one major disconnect between northern and Latin concepts of democracy, it is the North's failure to appreciate what he calls *substantive legitimacy*, the capacity to deliver. The two are not easily separable.

Marcella and the analysts of the US Southern Command are also constantly aware of the fact that, in all Andean countries, large parts of the national territory are not even in government control (ibid., 12). It is commonly cited that in Colombia an area controlled by the FARC guerrillas and other insurgents is about the size of France. Even where it is in control, however, as Peruvian economist Hernando de Soto and others have pointed out (and is obvious), the informal economy, or one might even call it, the informal state,[9] is at least as important as the formal one. Governments are thus deprived of tax revenues and the ability to regulate commerce for the public good. Democracy's ability to deliver the goods is thus weakened drastically.

For such reasons the US private sector that knows Latin America, invests in it, and trades with it is heavily concerned with the rule of law and the deficit its shortcomings impose on democracy and society. The Americas Society and Council of the Americas, a leading private sector organization based in New York, conducted a multi-disciplined working group in 2006–7 which published a report on how to improve the rule of law in the Americas. This is considered not only essential to defend political and human rights but "a fundamental pillar for achieving fair and broad-based growth and prosperity" (Americas Society/ Council of the Americas 2007). The term "rule of law" which is used, in its way, as an addendum to Dahl's concept of polyarchy:

> A system in which the laws are public knowledge, clear in meaning, accessible to all, and apply equally to everyone; judges are impartial and independent and free from undue influence; central institutions of the legal system, including courts, regulatory agencies, prosecutors, and police are reasonably fair, competent and efficient; government seeks to be law-abiding and its officials accept that the law will be applied to them; the making of laws is guided by transparent, stable, clear and general rules; and the laws themselves are prospective, known, clear, and relatively stable, and encompass critical areas. (Americas Society 2007, 7)

The organization has taken the report to various Latin American countries and had led seminars and discussions about it. The point is that "the lack of access to justice, judicial efficiency and inconsistency . . . remains an endemic problem. . . . Frustration over the lack of progress has generated concern that momentum for the rule of law may be waning" (ibid., 11).

Certainly, though, businesspersons in the North are aware of the significant

differences in the levels of responsive governance, levels of public sector corruption, and rule of law ratings in different countries. These are stated openly in studies produced by the World Bank and by such NGOs as Transparency International (TI), among others. Chile and Uruguay, for instance, are at levels similar to that of the United States in their reports, but most of Latin America is below the world median. TI's comments on recent Latin American elections were generally positive, though mixed.[10]

TI and the Carter Center in Atlanta (which has operated programs in democracy promotion in Latin America since the 1980s) have partnered to establish the Crinis project. "Crinis evaluates and compares levels of transparency and accountability in party and campaign financing systems in: Argentina, Colombia, Costa Rica, Guatemala, Nicaragua, Panama, Paraguay, and Peru. Using nearly 150 indicators, it detects weaknesses and strengths in key areas."[11]

Whether or not democracy has been high on the US priority list, since World War II it has always been acknowledged as a part of the Inter-American system. One of the stated purposes of the Charter of the Organization of American States, signed in Bogotá in 1948, reflecting the US ideal (balanced with the Latin American ideal of nonintervention) was "To promote and consolidate representative democracy, with due respect for the principle of nonintervention" (Charter, Art. 2 b).

Most sacred to Latin America up until this point had always been the principle of nonintervention (emphasized in Article 3 (e) of the OAS Charter). President Franklin D. Roosevelt had adopted the nonintervention principle in time for the Pan American Conference in Montevideo, Uruguay, in 1933. That key element of Roosevelt's Good Neighbor Policy led to Latin America's near unanimity in supporting the United States and its allies in World War II.

As most of the observant North recognizes, nonintervention has now given way to the norm of democracy, and countries cannot hide behind the skirts of sovereignty. Or can they? Former President Jimmy Carter inaugurated a new high-level lecture series at the Organization of American States with a criticism of the shortcomings of the Inter-American Democratic Charter, on January 25, 2005. He said that the Charter's reference to an "unconstitutional alteration or interruption" should be defined with specific criteria. These should include, he said:

1. violation of the integrity of central institutions, including constitutional checks and balances providing for the separation of powers
2. holding of elections that do not meet minimal international standards
3. failure to hold periodic elections or to respect electoral outcomes
4. systematic violation of basic freedoms, including freedom of expression, freedom of association, or respect for minority rights
5. unconstitutional termination of the tenure in office of any legally elected official
6. arbitrary or illegal, removal or interference in the appointment or deliberations of members of the judiciary or electoral bodies

7. interference by non-elected officials, such as military officers, in the jurisdiction of elected officials
8. systematic use of public office to silence, harass, or disrupt the normal and legal activities of members of the political opposition, the press, or civil society.[12]

Carter also specified that the Charter, to be functional, should include a set of graduated, automatic responses to overcome the natural inertia of its application. Was he thinking, as some commentators surmised, about the increasingly "illiberal" nature of the Chávez government, among others?

Syndicated columnist Andrés Oppenheimer clearly thought so. He wrote:

> In an address Tuesday to the 34-member Organization of American States (OAS), Carter called for injecting new life into an inter-American treaty aimed at preventing democratically elected presidents from seizing all powers, and becoming de facto dictators. Which is exactly what Chávez seems to be doing. (*Miami Herald* 2005)

Washington Post editorial commentator Jackson Diehl, citing events in Venezuela, Ecuador, and Bolivia, had written a few days before Carter's speech:

> The Bush administration expects to focus much of its attention in a second term on promoting a political transformation of the Arab Middle East. But it may also have to spend some time on a parallel problem: preventing the unraveling of the democratic change that the United States successfully nurtured a generation ago. . . . The alternative is a long, arduous, carefully calibrated program to rally support for democratic freedoms and convince Latin American leaders that they can't afford to allow their neighbors to subvert them. That would require deep engagement by Bush and his new secretary of state—in other words, a reversal of the administration's neglect of Latin America during the past four years. It seems unlikely, but the way things are going, there may be little choice. (*Washington Post* 2005)

In May, 2007, the Inter-American Dialogue and the Center for Strategic and International Studies joined forces and met with a number of experts to determine how to make the Inter-American Democratic Charter more effective. Its brief report (CSIS/Inter-American Dialogue) cited all the weaknesses with democracy in the region and concluded that the Charter should be made more operational if a member state invoked Article 17 to support democracy in a given state and actually used the OAS system to strengthen democracy. It also recommended more activism on the part of the Secretary General of the OAS and he be assisted by "civil society and academic organizations around the hemisphere . . . in monitoring the implementation of the Charter and in analyzing factors affecting democracy in the Americas."

More recently, the *Miami Herald* reported on Chávez's closure of the most popular Caracas television station: "The Venezuelan government's shut-down of Radio Caracas Television on Sunday marks a low point for free speech in the Americas. President Hugo Chávez replaced a fierce critic of his administration with a state-owned TV station that spouts government propaganda" (*Miami Herald*, May 30, 2007).

How effective are the media in the North in reporting and informing on the state of democracy in Latin America?

It is certainly fair to say that much of the press in the United States ignores Latin America, with several great exceptions such as the *Miami Herald* and the *Los Angeles Times* (and, though less frequently, the *New York Times*). London's *Financial Times* and *The Economist* also offer excellent coverage, especially when democracy seems threatened.

These latter two publications have correspondents with considerable expertise who have produced in-depth writing. The *FT*'s Richard Lapper prepared an expansive report for the Council on Foreign Relations, "Living with Hugo: US Policy Toward Hugo Chavez's Venezuela,"[13] which has received wide attention in the policy community and academia.

A veteran reporter, Michael Reid, who has been editor of the Americas section of *The Economist* since 1999 and before that, since 1982 covered Latin America for the *Guardian* and for the BBC, has recently published a significant volume entitled *Forgotten Continent: The Battle for Latin America's Soul*. Based on (or perhaps despite) his years of astute observation, as well as his depth of knowledge of the region's history, Reid is bullish on democracy's survival. He says:

> The main argument of this book is that for the first time in Latin America's history, genuine and durable mass democracies have emerged across much of the region. In both its breadth and depth, this process is new. It has far-reaching consequences. In some countries, the process is turbulent and chaotic, and democracy is still capable of being reversed. But in many other countries, in my view, democracy is within striking distance of becoming consolidated. (Reid 2007, 9–10)

In general, Reid is quite critical of US policy in the past and takes the view in many chapters that its effect has had seriously mixed results, to say the least. He sees progress, however, even if it is quite uneven from country to country and within countries. "The relatively disappointing record of many of Latin America's democratic governments should be judged realistically against the scale of problems they have to face" (Reid 2007, 315). Reid does not face directly the possibility that some intervening US policy such as the "war on terror" could trump its present strong pro-democracy stance, as he showed was the case during the Cold War. But history is what it is.

A somewhat more cautious approach is reflected in a high-level independent task force report issued in 2008 by the Council on Foreign Relations, "U.S.–

Latin American Relations: A New Direction for a New Reality." It acknowledges the spread of democracy, although it is seriously hindered by the thorny and persistent problems of poverty, inequality and human insecurity. It also recognizes the limited role the United States can play in alleviating them. The report offers concrete recommendations for policy priority approaches which deserve more focused attention from Washington than it has been giving in recent times.

The Economist Intelligence Unit measures democracy in Latin America and the world and publishes an annual "democracy index." That metric is based on five elements: "electoral process and pluralism, civil liberties, the functioning of government, political participation, and political culture." This last point is key: "Democracy is more than the sum of its institutions. A democratic political culture is also necessary for the legitimacy, smooth functioning and ultimately the sustainability of democracy . . . [it] implies that the losing parties and their supporters accept the judgment of the voters, and allow the peaceful transfer of power." The index accepts only two Latin American countries as "full democracies" (Costa Rica and Uruguay), most others as "flawed democracies," three as "hybrid" (Nicaragua, Ecuador, Venezuela) and one as "authoritarian" (Cuba).[14]

The Miami-based Inter-American Press Association (IAPA), a perennial watchdog for freedom of the press in Latin America, sees, not unsurprisingly, as famously did Thomas Jefferson, that a free press is essential to the functioning of democracy. It has reported on events in Venezuela and other countries extensively. Highly sensitive to attacks on the press and limitations on its freedom, IAPA regularly holds meetings and publishes reports. It holds Latin America to a high standard. [15]

The bottom line: What does the North understand to be the condition and future evolution of democracy in Latin America?

First, it sees that the wave from dictatorships to electoral democracies has consolidated; it is unlikely that we will again see the brutal authoritarian governments of Central and South America or the one-party system in Mexico.

Second, though, observers should not expect democracies to be without serious disturbances and inconsistencies. Illiberal democracy and attempts at delegative democracy are variants likely to break out at various times and places.

Third, the social and economic conditions, especially poverty and inequality, crime, and weak state institutions, pose severe threats to democracy in a substantive sense. They could even cause a democracy to fall if not corrected in time. Reversal of democratic consolidation cannot be ruled out. Democracy must become substantive, not just procedural.

Fourth, the North appreciates that the inter-American system is now capable of supporting democracy and its institutions if it has the political will to use its tools such as the Democratic Charter.

Fifth, the United States seems to appreciate the fact that its long-standing tradition of unilateralism in Latin America is over. The region itself is complex, heterogeneous and has different varieties of significant ties with the rest of

the world. The "North" (including its non-US components) no longer sees differences in governance structures as security threats to its own sets of interests.

Notes

1 In this treacherous world, there are no truths or lies: everything is according to the color of the prism through which one sees.
2 It should be noted that LASA has determined to hold its Congresses outside of the US as long as the State Department refuses to give visas to Cuban participants. This is a development of the present Administration; previously, numerous Cuban scholars had attended the Congresses even in places with such anti-Castro sentiment as Miami, where a Congress was held in 2000.
3 In Mexico City on April 17–18, 2007. See the Center's *Noticias*, Latin American Program newsletter, Fall 2007.
4 Ibid., p. 3.
5 Issued by the White House on January 11, 1984.
6 Fukuyama and McFaul (2007–8). The authors state that Bush's policy when he came into office eschewed democratic promotion and nation-building but that the events of September 11, 2001, reversed that direction.
7 See the website of Freedom House at www.freedomhouse.org.
8 Dahl developed his concepts at Yale University beginning in the 1950s. Among other works, see Dahl (1989).
9 A realistic concept considering that in FARC-held territory in Colombia, as an example, the rebels collect "taxes" and administer local governmental functions.
10 See "Latin American Democracies: Progress and Drawbacks" at www.transparency.org.
11 See www.cartercenter.org. The Carter Center has also monitored elections in many Latin American and Caribbean countries, with the personal involvement of former President Jimmy Carter and often with members of a council he created including former freely elected presidents of Latin American countries.
12 Address by Jimmy Carter at the Opening Conference of the Lecture Series of the Americas, Washington, DC, January 25, 2005, www.oas.org.
13 Council of Foreign Relations, CSR No. 20, November, 2006.
14 Economist Intelligence Unit, "The World in 2007." The index of democracy is based on 2006.
15 Miami (December 28, 2007)—Year-End Message from Inter American Press Association, President Earl Maucker, *Sun-Sentinel of South Florida*, Fort Lauderdale, Florida. "During the year that is coming to a close the IAPA has been both a major player in and a witness to the advances and setbacks in freedom of the press in the Americas. As a result of its members' activities it brought about positive changes, protested government acts—direct or indirect—investigated crimes against journalists, launched campaigns to educate the public on freedom of expression issues and played a key role in raising journalistic standards." www.sipiapa.com.

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Zogby Interational Polling and Market Research Organization (Utica, NY, Washington DC, and Miami, FL), www.zogby.com

5 Latin American Democracy

The View From the South[1]

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Translated by Rachel Lindberg Miller[2]

The latest results of Latin America's 2006 elections show the region's difficulty in constructing political majorities, a task that is both complex and difficult. The region must reconstruct national social agreements to guarantee stability and promote opportunities to allow the governments to operate more democratically. Yet in the majority of Latin American countries fragmentation and polarization are hindering politically, economically, and socially the government's role and the ability of citizens to exercise their rights. In this context, Latin America's election results during November, 2005, and December, 2006, show large divisions within each country. Practically everywhere, the citizens' dissatisfaction with governmental political practices in the last decade are forcefully being manifested, whether expressed as a vote of repudiation or as a vote for continuity but with different expectations.

The legislatures are divided and without clear majorities. This requires constant negotiation that many times is fruitless and bogs down the political process. In four countries the elected presidents have a majority in congress: Bolivia, Chile, Colombia, and Venezuela. In Brazil, Ecuador, Costa Rica, Mexico, Nicaragua, and Peru presidents do not have majorities that allow consensus. Thus, presidents rule by decree, which creates a situation in which citizens distance themselves away from the democratic institutions. Furthermore, they encounter growing difficulties in implementing their legislation. This often stimulates corruption, perceived as an "easy road" to resolving these difficulties, but which only contributes to and aggravates the situation. It is necessary to create mechanisms for constructing nationwide effective agreements, capable of reflecting the plurality of a society within the framework of a democracy. It needs to be guided by the majority while remaining respectful of the minority.

In the present situation, some have argued that Latin America is falling into a "new leftist tendency." However, in reality there is a search for new options, for roads that may open to forces which offer different responses and are capable of emerging from the exclusion, both politically and socially, of the majorities. Overcoming and alleviating the negative effects of structural reforms put in practice more than a decade ago is a challenge of the new governments. The emerging leaders are of a different type and it seems impossible to establish a single "leftist" identity which would include everyone.

Eroded Democracies

Studies conducted in Latin America conclude that democracy is strongly supported. According to the report made by the Latinobarómetro in 2006, 58 per cent of the respondents were supportive of democracy. Yet despite this, an almost equivalent percentage of people reported dissatisfaction with their democratic governments which had not succeeded in resolving their demands. In 2006, only 43 per cent of Latin America's population indicated having confidence in the government. People have lost hope in governments, political parties, and congress, which naturally affects the legitimacy of the democratic institutions.

In this sense, it is important to emphasize that democracy in itself is not capable of guaranteeing good government, although it does permit the replacement of bad governments by legitimate processes, like democratic elections in which citizens would be allowed to voice new viewpoints and create new majorities.

Nonetheless, many Latin American presidents have been replaced outside of the electoral frames, something which gives a complicated portrayal of the government's ability. This is not new. It addresses a reality that has been prolonged for years. In the last decade and a half we find eleven presidents who have resigned before finishing their term. In the case of Bolivia, two did not finish their presidency; in Ecuador there were three; and in Peru one. We should include the unsuccessful coup d'état in Venezuela. We have, then, seven cases of instability in the Andes region. The rest occurred in Paraguay in 1999 and in Argentina in 2001. In the past, these scenarios took place in Brazil and Guatemala. In all of the cases, the replacements were made by strict adherence to the constitutional norms, thus avoiding any sanctions from the international community.

If we want to understand these instabilities, it is necessary to look at the political systems. Usually in Latin America—contrary to the English-speaking Caribbean—presidential regimes prevail, systems in which the chief of state is crucial. National constitutions place the president at the center of control with extensive powers. Despite this, in many countries the president does not have a majority in Congress. As one can see in Latin America's history, this situation has generated political tensions resolved through intervention, open or covert,

Table 5.1 Latin America: confidence in its institutions

	1996	*1998*	*2001*	*2002*	*2003*	*2004*	*2005*	*2006*
Government	–	28	–	25	24	30	36	43
Judicial system	33	32	27	25	20	32	31	36
Congress	27	27	24	23	17	24	28	27
Political parties	20	21	19	14	11	18	18	22

Source: Corporación Latinobarómetro, "*Informe Latinobarómetro* 2006" (Santiago, Chile, 2006). In www.latinobarometro.org.

Table 5.2 Latin America: interrupted presidential terms, 1992–2007

Country	*Date*	*President*
Brazil	September 1992	Fernando Collor de Mello
Guatemala	May 1993	Jorge Serrano Elías
Venezuela	August 1993	Carlos Andrés Pérez
Ecuador	February 1997	Abdalá Bucarám
Paraguay	March 1999	Rául Cubas Grau
Ecuador	January 2000	Jamil Mahuad
Peru	November 2000	Alberto Fujimori
Argentina	December 2001	Fernando de la Rúa
Bolivia	October 2003	Gonzalo Sánchez Lozada
Bolivia	March 2005	Carlos Mesa
Ecuador	April 2005	Lucio Gutiérrez

from the powers that be, principally the armed forces. At this time military intervention is no longer probable. A democratic consensus in Latin America is strong, so that breaking the constitutional framework brings political-diplomatic isolation and can yield strong economic sanctions. The Democratic Charter of the Americas[3] and the democratic clauses included in the sub-regional pacts have fundamentally contributed to avoiding authoritarian regimes. Yet, in themselves, these agreements do not succeed in achieving stability or ensuring democracy. One must recognize that they possess an important function of democratic reinsuring, in order to project positive incentives to rise above tensions and avoid constitutional ruptures.

We see this in coalitions to formal or informal political alliances which are created by political parties and/or by elected representatives in parliament. They constitute a block that supports or opposes government-appointed politicians. We refer to political parties with hegemonic characters or, better, with lax structures that group distinctive movements and organizations under a common denomination. Historically in Latin America there have existed political systems founded on a hegemonic party, without a counterweight, the most evident case being Peronism in Argentina, or in different historical periods the APRA (Alianza Popular Revolucionaria Americana) in Peru, or the Partido Liberación Nacional in Costa Rica. Often parties in government admit independent deputies and form a majority without necessarily establishing a coalition. In general, when coalitions are established they correspond more or less to formal agreements and are established by the various political parties. The parties organize around a common program reflective of the agreements of those in the coalition. One of the most evident examples of this is the Concertación de Partidos por la Democracia in Chile.

Latin American presidential systems have strong foundations either in a coalition or in a one-party system. Although one could suppose coalitions have more force and more ability to design solid projects than the parties themselves, this generally is not so. In Latin America, we find strong government in coalitions

as much as we find it in parties. For example, in Argentina Peronism, whose principal leader was President Néstor Kirchner, was the axis of a unique and very strong party's presidential system, in that the Radicals, the principal opposition party, have not had the capability of designing a successful alternative program. In Chile, on the other hand, a strong coalition governs, and it has provided great stability in the country since 1990. Yet, as has already been shown, the coalitions assure neither cohesion nor strength. Bolivia, Ecuador, and Guatemala have formed weak coalitions that lack a significant social and parliamentary base.

It is not possible therefore to make a general conclusion in this matter. There can be coalitions which strengthen political and democratic systems and their governmental capacities, or there can be one-party systems which secure democratic consistency and stability. There is not a general pattern. Table 5.3 shows that in 2006 Latin America had five strong coalitions and three weak coalitions, meanwhile there were three one-party systems with very strong power and six weak systems; in the case of El Salvador there was a tie between two political parties with equal amount of support. The only conclusion which can be established are the difficulties of constructing majorities which will give support to and reinforce the government's capacity, above all in the context of socially and politically fragmented countries. From the results of the elections in 2006, in five there was continuity: Brazil, Chile, Colombia, Mexico, and Venezuela; and in six there was an alternation and the opposition won: Bolivia, Costa Rica, Ecuador, Honduras, Nicaragua, and Peru.

Latin American political systems have demonstrated they are incapable of establishing effective state policies and constructing stable majorities, which

Table 5.3 Coalitions and political parties in Latin America

Coalitions		*Party*	
Brazil	S	Argentina	S
Bolivia	W	Peru	W
Colombia	S	Paraguay	W
Chile	S		
Uruguay	S		
Venezuela	S		
Ecuador	W		
Guatemala	W	Costa Rica	S
		El Salvador	T
		Dominican Republic	S
		Nicaragua	W
		Honduras	S
		Panama	S
		Haiti	W
		Mexico	W

Key:
S–Strong
W–Weak
T–Tie

would give these policies support. It is necessary to choose policies focusing more on negotiation and more inclusive of options offered by the coalitions they encounter in government. We are speaking of permanent policies with human resources and finances allocated for their executions designed and carried out with extensive public participation.

At the national level, they can often not find basic agreements nor develop state policies. Consequently, many of the principal demands and political, economic, and social problems are not resolved, and exclusion and inequality increase. Moreover, many countries have not resolved institutional deficits, which thus favor polarization and disaffection. In the economic realm, there is a lack of agreement on growth and development agendas; likewise, there is dissension on how to face insecurity and poverty. These differences generate polarization.

In recent years, when the presidential candidate won but lacked a majority in parliament, "changing the rules" was the preferred option. This called for Constituent Assemblies to redefine the political system through Constitutional change. Bolivia, Ecuador, and Venezuela have been immersed in these processes. In Colombia, constitutional change allowed presidential re-election. A significant problem in Latin American political systems is the inability to establish norms facilitating the processes of political agreements. Consensus would allow various actors to construct visions and projects. The political parties, the movements, and other organizational forms looking to exercise power could implement these agreements in governmental programs, which are greatly reflective of national interests in the context of globalization. It is also important to emphasize that presidential re-election (consecutively or with a gap in between terms) allowed six former presidents—Lula in Brazil; Uribe in Colombia; Chávez in Venezuela; Alan García in Peru; Oscar Arias in Costa Rica; and Daniel Ortega in Nicaragua—to be re-elected.

Poverty and Inequality: A Crucial Challenge

Latin America's principal problems continue to be poverty and inequality. In 1990, 48.3 per cent of the population was living in poverty. In 2006, it decreased to 38.5 per cent. This means that in Latin America there were 205 million people in poverty and of these, 79 million were indigenous (see Figures 5.1 and 5.2). "Indigent" are those persons who live in extreme poverty and cannot meet their basic needs for survival. The World Bank defines indigence as living on less than US$1 per day. "Non-indigent" or poor are persons living at the poverty line which the World Bank defines as US$2 per day.

It is true that in some countries the numbers have decreased, and, although the former relationship between indigenous people and poverty has improved, the inequality continues to be dramatic. It has deepened social fractures and has increased economic and social differences and exclusion. The poverty levels have declined very slowly and the gap between the rich and the poor has increased. Furthermore, Latin America has not succeeded in incorporating systems of

effective participation and does not possess access to basic public goods for indigenous peoples that represent the majority of the population in many countries. This is a structural issue that fundamentally affects societies like Guatemala, Ecuador, Peru, and Bolivia.

From 1995 to 2003, many countries reported experiencing negative growth and economic stagnation. After 2003, an increase in growth began. However, there is little to suggest that Latin America can rise above the problems of

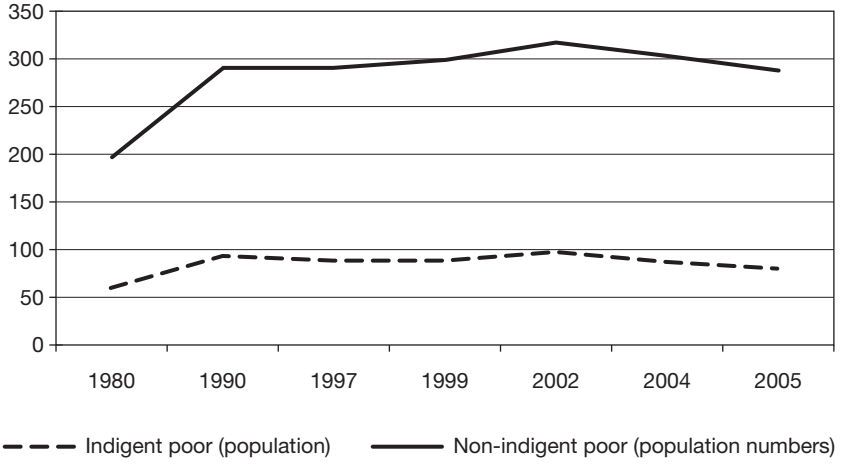

Figure 5.1 Number of poor and indigent people, 1980–2006.

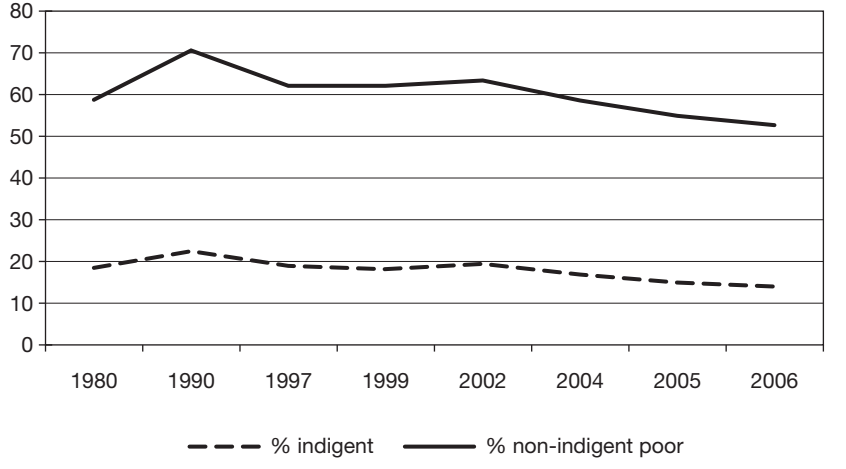

Figure 5.2 Percentage of poor and indigent people, 1980–2006.

Source: CEPAL, *Panorama Social de América Latina* (December, 2006). In: www.eclac.org. This estimation corresponds to eighteen countries of the region and Haiti. The 2006 figures are projections.

Table 5.4 Latin America and the Caribbean: growth of GDP, 2004–7 (annual rate of change) (estimated figures for 2006 and 2007)

	2004	*2005*	*2006*			*2007*		
			Low	*Projected*	*High*	*Low*	*Projected*	*High*
Latin America and the Caribbean	5.9	4.5	3.7	4.6	5.0	3.1	4.1	4.7
South America	6.9	5.1	3.8	5.0	5.6	3.0	4.4	5.1
Brazil	4.9	2.3	2.0	3.5	4.0	2.0	3.7	4.5
Southern Cone	8.4	8.3	6.0	6.9	7.3	4.3	5.4	5.9
Andes region	9.5	7.0	4.8	5.7	6.5	3.1	4.4	5.1
Mexico and Central America	4.2	3.1	3.3	3.6	3.8	3.3	3.6	3.8
Central America	4.0	4.0	3.5	4.2	4.8	3.5	4.2	4.9
Mexico	4.2	3.0	3.3	3.5	3.7	3.3	3.5	3.7
Caribbean	4.0	4.2	5.2	5.9	6.1	3.6	4.3	5.0

Source: CEPAL, *América Latina y el Caribe: proyecciones 2006–07*, Santiago (April, 2006).

poverty. Furthermore, one must take into account unemployment rates, particularly those in urban areas and those of the young (a rate which is double that of those over the age of twenty-four). On a positive note, inflation has been controlled and governments now exercise greater responsibility over the economy.

Corruption: A Chronic Evil

Corruption directly affects everyday life, democratic institutions, and the economic well-being of a country. Corruption is present, at various levels, in all the countries and societies of Latin America (World Bank 2000). When corruption is systemic it impacts the state's cohesion. Additionally, corruption affects the public sector as much as it does the private, and it is in the processes of the rule of law and through discriminatory treatment that citizens suffer. All of this significantly affects citizens' negative perception of the political system.

Many of the anticorruption methods applied in Latin America have not yielded the expected results, and there are only a few examples of success. Fighting corruption is difficult, and it requires changing important cultural patterns. Nevertheless, it continues to gain more and more political relevance. In this area, the role of civil society is particularly significant (Transparencia Internacional 2006). International financial organizations continue to give attention to transparency and the capacity for citizens to develop institutionalized and systematic mechanisms for accountability. Corruption constitutes, therefore, an essential factor in the de legitimization of political systems and leadership, and it increases disapproval by citizens (Villasuso et al. 2005).

A survey conducted by Flacso-Chile (2005b) in various Latin American cities indicates that corruption is considered a serious problem for 80 per cent of the respondents in Brasilia, 70 per cent of those in Buenos Aires, 50 per cent of those in Montevideo, and 33 per cent of those in Santiago, Chile. In Buenos Aires and Brasilia, almost 100 per cent of the respondents affirmed that their country suffering from corruption was a serious problem. In Montevideo, this percentage was 91 per cent, and in Santiago, Chile, 88 per cent. The results of this measurement reaffirm the striking perspectives portrayed through public opinion polls and by indicators like *Transparencia Internacional*. The first column in Table 5.5 consists of two countries from the Southern Cone: Chile (22) and Uruguay (25), and three of the English-speaking Caribbean: Barbados (23), Santa Lucia (24), and St. Vincent and the Grenadines (30). In the last column are five countries: Honduras (131), Paraguay (138), Ecuador (150), Venezuela (162), and Haiti (177).

Increase in Violence

Weak rule of law prevails in the democracies of Latin America. There are areas in every country in which state control is non-existent and where violence is used by non-state organizations. This affects the ability to govern democratically. Violence increases, in part as a consequence of small-arms trafficking, which leads to kidnappings. A country that lacks the ability to exercise authority within its boundaries, protect human rights, guard its people, and ensure national order is exposed to social polarization and instability.

The political systems, institutions, and political parties have not succeeded in providing adequate responses to these problems. In all of Latin America's major cities, there are areas in which authority of the law and of the democratic state fail to reach. There are sections of the cities controlled by criminal organizations. For this reason, urban security is among the highest priority on the political

Table 5.5 Latin America: index ranking of the perceptions of corruption

1–33	*34–79*	*80–130*	*131–79*
Chile (22)	Dominica (37)	Jamaica (84)	Honduras (131)
Barbados (23)	Costa Rica (46)	Panama (94)	Paraguay (138)
Santa Lucia (24)	Cuba (61)	Dominican Republic (99)	Ecuador (150)
Uruguay (25)	El Salvador (67)	Belize (99)	Venezuela (162)
St. Vincent and the Grenadines (30)	Colombia (68)	Argentina (105)	Haiti (177)
	Mexico (72)	Bolivia (105)	
	Peru (72)	Guatemala (111)	
	Brazil (72)	Guayana (123)	
	Trinidad and Tobago (79)	Nicaragua (123)	

Source: Transparencia Internacional 2007. In: www.tranparency.org.

Table 5.6 Countries with highest registered death rates by firearms (by 100,000 individuals) in the world (112 countries)

Ranking	*Country*	*Year*	*Total deaths by firearms (lowest estimate)*	*Total death rate by firearms (lowest estimate)*	*Total rate of homicides by firearms*	*Suicide death rate by firearms*	*Rate of accidental death by firearms*	*Rate of undetermined death by firearms*	*Percentage of homicides by firearms*	*Percentage of deaths by firearms that are homicide*
1	Colombia	2002	22,827	55.7	51.8				86	93
2	Venezuela	2000	5,689	34.3	22.15	1.16	0.42	10.57	67	95
3	South Africa	2002	11,708	26.8	26.1				54	97
4	El Salvador	2001	1,641	25.8	25.3				71	98
5	Brazil	2002	38,088	21.72	19.54	0.78	0.18	1.22	64	97
6	Puerto Rico	2001	734	19.12	17.36	1.17	0.49	0.1	91	91
7	Jamaica	1997	450	18.6	18.2	0.37			58	98
8	Guatemala	2000	2,109	18.5						
9	Honduras	2000	1,677	16.2	16.2					
10	Uruguay	2000	104	13.91	3.11	7.18	3.53	0.09	63	22
11	Ecuador	2000	1,321	13.39	10.73	0.77	0.25	1.63	68	80
12	Argentina	2001	371	11.49	4.34	2.88	0.64	3.63	70	38
13	USA	2001	29,753	10.27	3.98	5.92	0.28	0.08	64	38

Source: Global Firearms Deaths (Toronto: Small Arms/Firearms Education and Research Network, 2005); Pablo Dreyfus and Antonio Rangel, *Proyecto armas pequeñas y livianas: Una grave amenaza para la seguridad hemisférica* (2006), pp. 4–12.

agenda today. Without an adequate response from political parties, parliaments, and governments, which continually require international cooperation to achieve possible solutions, options will arise that promote "taking the law into one's own hands."

Organized crime is a rising danger, yet Latin American political systems have been reluctant to tackle this issue: today it occupies neither a place in presidential platforms nor a place in the goals of political parties. All the while, organized crime and illicit transnational activities continue to have an increasing impact. "Strong arm" responses appear as an immediate reaction linked to a certain judicial populism, for which the solution is related to the increase of punishments and convictions and reducing the age at which a minor can be charged, convicted, and incarcerated. "Strong arm" policies find their strategy in more repression, including the death penalty, in opposition to international agreements signed by Latin American countries. In those countries which have implemented "Strong arm" policies the results have been counter-productive, increasing the number of those in jails—the immense majority without trials or convictions—and, in a similar vein, crime and homicides have not decreased. In due course, these policies have required that many of those incarcerated be set free owing to lack of evidence. The harm and the backward movement that these policies cause in the democratic system are great, especially referring to civil rights and in relation to respecting human rights. Also, they tend to militarize the response not only toward delinquency but also toward social issues. The response to crime needs to be as complex as the causes that create them.

The adoption of a multi-dimensional perspective allows tackling complex security phenomena, in which the deciding factors are not military but new threats. In this sense, the concept of security includes political, economic, social, health-related, and environmental facets.[4] The control and limitation of transnational organized crime demands higher levels of coordination within the state and the development of supranational institutions (Rojas Aravena 2006). To achieve this, political parties and governments must approach this issue as a national priority, as a state policy that requires the efforts of the entire political system.

Surprises and Those That are Surprised: The Growing Difficulties of Gauging Regional Reality

The use of public opinion polls as instruments of interpretation has been very relevant in the analyses made by social scientists and governments. Many thought that if polls were properly designed they would possess sufficient forecasting capacity to discern the emerging national agendas and accurately evaluate the region's leaders. These results were seen as close to political reality, thus allowing for more accurate decision-making. However, the most recent elections in Latin America demonstrate that in general the processes of public decision-making have not advanced. In the region, there appears to be a marked tendency for a hidden vote and those who wish to ascertain the voting intentions of the public based solely on public opinion surveys will fail.

This has consequences that extend beyond elections. When looking to exercise power and find ways to strengthen government, strategies are made based on the indicators from the polls just as much as they are based on the citizenry's acceptance of policies or decisions. To develop an agenda solely and exclusively on wavering public opinion can be risky. To respond only to the ups and downs of public opinion polls is to generate policies that are reactive and do not focus on long-term interests. Conversely, it is important to highlight that on the principal issues public opinion is moved by and conforms to what is broadcast on television. Government policies should be founded on long-term results rather than responding to yesterday's news.

Between November 2005 and December 2006 twelve elections were held in Latin America. With a few exceptions, the results were unexpected, and did not coincide with the predictions made by public opinion polls. This has produced surprises and many surprised observers, and illustrates the necessity of improving the instruments used to capture public opinion and combining them with other indicators and measurements capable of gauging what people are actually thinking.

In Honduras, the electoral triumph of Manuel Zelaya remained in question for about fifteen days. In Bolivia, it was expected that Evo Morales would obtain significant support in the first round but it was never thought that he would obtain 54 per cent of the vote, making a second round unnecessary. Another such example occurred in Costa Rica with Oscar Arias, from the Partido Liberación Nacional. In the days prior to the elections, the major polls assured there would be a clear winner, with about 48 per cent. Yet, the final result was a near tie between Arias and Ottón Solis, of the Partido Acción Ciudadana, with only one per cent difference. This was one of the narrowest margins in the recent history of Costa Rica. Recounting the votes was a long process, lasting more than a month, and demonstrated the strength of Costa Rican democracy. Costa Ricans waited calmly during the manual recount until finally Oscar Arias, with the support of the provinces outside of San José, won the election.

This also occurred in Mexico, where all public opinion polls in April 2006 indicated that Andrés Manuel López Obrador had a very significant majority and was surpassing the other two candidates. In May, the difference had diminished in various polls: some were awarding Felipe Calderón a window equivalent to a margin of error of 3 per cent. Other polls, on the contrary, signaled that López Obrador held the advantage. The result of the July 2, 2006, elections showed a technical tie. During the night of the election, the Instituto Electoral Federal could not name a winner. Two days later, Calderón was proclaimed the winner with a slim margin of 0.56 per cent. López Obrador announced his decision to contest the results and led civil resistance. In Mexico, the electoral situation displayed a great polarization between the electorates of the north and the south. The latter voted for López Obrador and the former for Calderón.

Despite what has just been shown, the importance of public opinion surveys may be redeemed because of their heuristic value. Not all the polls failed in their predictions; some with little attention from large media outlets and with precise

questions, achieved much more satisfactory results. The problem recently has been with the businesses in charge of polling. In countries that lack a code of conduct their results can be "used at the discretion" of the highest bidder. On the other hand, to reaffirm what has already been said, it is necessary to incorporate other techniques of measuring alongside polling to succeed in gauging political reality.

In Chile and Haiti, the situations were very different as it was foreseeable that Michelle Bachelet and Rene Preval, respectively, would win. In the case of Chile, it was known, given the composition of the electorate, it would be very difficult for Bachelet to obtain 50 per cent of the votes in the first round although she likely could achieve that in the second round. In reality, she won more than 54 per cent. In Haiti, Preval obtained 49 per cent in the first round and, through an agreement between all political parties, it was decided that the blank votes would be distributed proportionately in which case Preval was able to surpass the 50 per cent required for avoiding the second round and a period of great uncertainty.

In Peru, election results were perceived as uncertain: although Ollanta Humala appeared to be the favorite in the first round, it was not evident that Alan García would be able to surpass Lourdes Flores. At the close of the elections, tainted by accusations of interference by Venezuelan president Hugo Chávez through his support of Humala and his verbal confrontation with García, the results finally favored García. However, it also portrayed a Peru that had clearly been fractured between the coast and the sierra, and between the capital and the interior.

In the case of Brazil, the re-election of Luis Ignacio "Lula" da Silva was taken for granted. His candidacy for re-election was strong and was continuously acquiring more strength. Despite this, the impact of the corruption accusations in his government in the presidential campaign strongly impacted public opinion. In the midst of the crisis, the Partido de los Trabajadores lost significant stature, and the parliamentary alliance that supported the government was fractured. As a consequence, a second round was required to re-elect da Silva.

In the case of Venezuela, Hugo Chávez was re-elected by a significant majority, equivalent in the number of votes and the percentages obtained in the recall referendum.[5] The non-existence of any opposition with parliamentary presence has facilitated the process of constructing a new constitution and the establishment of a new power structure in the country, with the strong influence of President Chávez and the armed forces.

These examples demonstrate that the electoral results expressed some unforeseen tendencies and also some continuations. In these elections, seven were surprises and five were predicted.

In the majority of countries, we observe a territorial fragmentation in the voting in which the most neglected regions reject the extant economic and political models. In the same way, in practically all of the elections the fragmentation created in Congress is great. All of this creates considerable distrust of the elected presidents, especially in those countries where a second round of

Table 5.7 Latin American elections: changes in leadership, 2005–6

Honduras	Nov. 2005	Manuel Zelaya	Surprise
Bolivia	Dec. 2005	Evo Morales	Surprise
Chile	Jan. 2006	Michelle Bachelet	Predicted
Costa Rica	Feb. 2006	Oscar Arias	Surprise
Haiti	Feb. 2006	René Preval	Predicted
Peru	April 2006	Alan García	Surprise
Colombia	May 2006	Re-election Uribe	Predicted
Mexico	July 2006	Felipe Calderón	Surprise
Brazil	Oct. 2006	Re-election Lula	Predicted
Ecuador	Oct. 2006	Rafael Correa	Surprise
Nicaragua	Nov. 2006	Daniel Ortega	Surprise
Venezuela	Dec. 2006	Re-election Chávez	Predicted

elections was not predicted. In these cases, very often the winners achieve power with minimal support considering the high level of abstention.

Creating Indicators for the New Political Map

Resorting to traditional perspectives of right and left for the purpose of categorizing the Latin American political panorama and its election results proves to be a useless task. These criteria, belonging to the Cold War era, make it difficult to strictly classify political leaders. In effect, it is difficult to affirm that Leonel Fernández of the Dominican Republic and Oscar Arias of Costa Rica are from the right, in the same way that it is difficult to determine that Lula of Brazil, Kirchner of Argentina, or Bachelet of Chile today represent the traditional left. Left and right do not reflect the essential identities of the new leaders nor do they represent the changes that are occurring in the world.[6]

It is difficult to think of a political map of the region being totally structured, but we can point to some key elements necessary for its construction. We can rely on a few indicators that will allow us to interpret and understand the current political situation in Latin America. Aside from poverty and inequality, increases in violence, and the rise of corruption, it is necessary to consider new factors. Among the most important are the new geopolitical factors; the division between the North and the South in Latin America; the anti-US climate; Latin America's insertion into the global economy and the perceptions of fair trade treaties; political polarization and lack of social integration; leadership disputes; the tension between populism and responsible politics; the impact of the crisis of representation; and the relationship between the government and the opposition.

First, considering the weight of the economy, the influence of the United States, migratory processes, and remittances, two distinct Latin Americas are emerging: one in the North oriented toward the US, and another in the South more independent. Cultural ties represent the principal bonds between both. In the Latin America of the North, the processes of economic and

commercial integration have had better stability, as demonstrated by the North American Free Trade Agreement (NAFTA) and the Sistema de Integración Centroamericana (SICA). At the same time, the Free Trade Agreement between Central America and the United States (CAFTA) reflects the commercial power of Washington and its interest in reinforcing its unilateral weight through an agreement that appears multilateral. In the region of Central America, the relationship with the United States is very important because the US receives most of its exports from that area of Latin America. Central America is also a privileged zone for United States investments and the development of maquilas.

Second, the manner in which George W. Bush's government initially launched the "War on Terror" and later the invasion of Iraq has generated a strong international rejection, including from the most important countries in Latin America. In South America, an anti-US sentiment tends to prevail, and there exists little support for Bush's politics. An inquiry carried out by Flacso-Chile in four capitals of the Southern Cone—Buenos Aires, Brasilia, Montevideo, and Santiago—indicated that 70 per cent of respondents considered the US an imperialist country which did not promote world peace. Also, 82 per cent were convinced the US interfered in other countries' affairs (Flacso-Chile 2005b). On the other hand, with the exception of Mexico, the northern countries of Latin America tended to support the unilateral politics of Washington. Both El Salvador and Honduras sent troops to Iraq; as of early 2008 El Salvador continues to have troops there.

Third, in South America one can observe strong nationalism and criticism of certain perspectives of globalization. This is added to anti-US tendencies and the rejection of unilateralism. In Latin America, seven countries opposed the invasion of Iraq and seven supported it, while three held relatively neutral positions. The countries of the greatest size and relative importance criticized it the most strongly. The voices that expressed this with greatest consistency were Mexico and Chile in the Security Council of the United Nations.

Fourth, Latin America is divided on how to face the collapse of the Washington Consensus, especially with issues related to commercial liberalization and free trade. The countries bordering the Pacific tend to support free trade while the countries of the Atlantic—Argentina, Brazil, and Venezuela—reject this opening, and particularly those free trade agreements signed with the US. Truthfully, this is not related so much to bordering one ocean or another, but to the way in which the economies of those on the Atlantic have more industrial weight: Brazil and Argentina have a domestic industrial base and rely on protectionist policies against imports from the United States. In the economies of the Pacific—Chile, Ecuador, Peru, and possibly Mexico—a very considerable part of their exports are tied to their natural resources: in Mexico, petroleum; in Chile, copper; and in Ecuador and Peru, mining. Therefore, commercial liberalization contributes to opening themselves up more effectively to different world markets, particularly those in China.

These different ideas are occurring in the context of greater distancing among the countries, mutual criticism, and diverging points of view between Latin

Table 5.8 Latin America: principal commercial partners by sub-region (%)

MERCOSUR	*Andean community*	*Central American Common Market (CACM)*	*CARICOM*	*Mexico*	*Chile*
Latin America (27.8)[1]	United States (35.0)	United States (35.5)	United States (56.3)	United States and Canada (86.9)	Japan and Asia[2] (28.7)
European Union (21.7)	European Union (13.6)	MCCA (27.2)	Latin America and the Caribbean[1] (16.0)	Latin America (4.9)	European Union (26.7)
United States (17.1)	Venezuela (5.5)	European Union (13.5)	European Union (11.0)	European Union (4.3)	United States (16.1)

1 Includes intra-regional commerce
2 Includes South Korea, China, India, and Japan

Note: In the cases of MERCOSUR and the MCCA, the data correspond to 2005 exports. The percentages of Mexico, Chile, and CAN correspond to export data from 2006. The data of CARICOM correspond to the exports of goods in 2004.

Source: Francisco Rojas Aravena, *La integración regional: un proyecto político estratégico.* III Informe del Secretario general (FLACSO/Secretaría General, 2007). In: www.flacso.org.

America and the United States, and between the European Union and Latin America. To overcome the growing marginality of Latin America in global matters, as much politically as commercially, it is essential to design an agenda of constructive cooperation capable of tackling the weighty issues of interest to the various actors. It is undeniable that the future agenda tying Latin America to major Western powers must incorporate, along with issues of investment, commercial ties, and migration, security issues that demand consideration of the problems of drug trafficking, organized crime, and terrorism.

Fifth, significant social and political polarization is permeating the region. Some countries are marked by deep social divisions that can cause high levels of conflict, as those occurring in Bolivia, Ecuador, Guatemala, Colombia, and Haiti. Also, there are relatively stable countries with acceptable levels of social integration and cohesion: Chile, Uruguay, Mexico, and Costa Rica. This is not meant to imply a complete absence of tensions, but comparatively, they are much less serious than those occurring in other Latin American countries. In the countries with greatest conflict the difficulties of governing are directly related to social divisions and polarization that can lead to clashes and ruptures of democratic stability.

Sixth, competition for leadership stimulates conflicts among Latin American presidents. Trust among heads of state has eroded as speeches and criticisms prove. This goes beyond attacks made during presidential campaigns. It is something more serious. In this context, clashes with Hugo Chávez have increased. The "CNN effect"—or, the impact of the media—increases the resonance and effect of the discourses beyond the actors directly involved. The crisis of Lula's government affected the leadership capacity of Brazil. Chávez, who in addition to possessing the necessary economic resources, took advantage of the situation and is ready to push his alternative integration and political agenda (Alternativa Boliviana para las Americas—ALBA) (Flacso 2007). This marks an important divergence from other periods of dispute for leadership, in which Brazil always appeared to have the most resources, independent of whether or not they were used to their full potential (Hofmeister et al. 2007). The resources derived from Venezuelan petroleum are directed to the development and implementation of an alternative integration project.

The seventh and final question is the debate between populism and pragmatism. The margins of action for Latin American countries in the context of globalization are limited. This makes it difficult to differentiate between the various programs and proposals that can be applied. Those who look to insert Latin America into the global system are trying to develop policies defined as "responsible." These policies in some macroeconomic areas are not substantially different from neo-liberal politics. Nonetheless, they are making profound differences in the social situation: their programs seek to improve the quality of life for their citizens, especially the neglected and vulnerable. However, this type of leadership fails to deliver great change nor does it promote solutions to problems affecting the vast majority of the population. It appeals instead to the responsibility of achieving solutions in a context of limited options.

The crisis of representation favors the appearance of "neo-populist" proposals. Eminently political, the neo-populist phenomenon is manifesting itself into a type of leadership in which the role of institutions is very limited, so much so that it is based on a direct communication between the leader and the people. This is facilitated by the media. This public dialog and the political response have the capacity of generating important mobilizations. Populism is a detonator of instability and deepens the crisis of representation in democratic institutions. The changing rules, the deinstitutionalization, the concentration of power and clientelism are transformed into recurring political expressions. The legacies of neo-populism in the political sense, independent of their economic and social results, will demand the reconstruction of institutions, rule of law, and the rights of the citizens. This task will be anything but easy in the context of a disillusioned citizenry, who see their hopes frustrated. To reconstruct political systems after the collapse of populism may take a long time and great effort and strong political will. Populist policies erase traditional institutional policies. This new form of policy-making transcends the existing institutions and seeks to form a new direct relationship between the leader and the masses. Populism tends to express itself in various forms of patronage that affect the essential foundations of democratic representation, although at times they "respect" democratic forms.

Conclusion

Electoral democracy has taken root in Latin America. Electoral processes are daily becoming more transparent. Those who win the election also win the recount. Acts of coercion are decreasing. Electoral tribunals are becoming more important in all of the countries. Nonetheless, the problems with elections are closely linked to the use of public resources in campaigns, namely those exercised by big communication media, especially television conglomerates. This generates inequality of access. In this context, money derived from illegal networks is strong temptation and is an easy way for organized crime to co-opt the electoral process. Thus beyond the advances in this field it is necessary to strengthen the mechanisms of democracy and transparency. The alternation of power through elections demonstrates that democracy advances despite the weaknesses of many essential institutions.

The economic growth experienced in Latin America in recent years, and which is also projected to continue in the future, is generating the best conditions and opportunities the region has had in more than a quarter of a century to advance in the direction of designing relief policies which could mitigate poverty. The danger of military coups is no longer a pressing issue on the regional agenda. There is no room in the region nor in the international system for coups d'état.

Latin American democracies have great demands which their governments must face in a short period of time. Citizens want efficient and effective responses to the various issues on the public agenda. Their patience is short. Therefore, when concrete results are not forthcoming rapid decline in presidential popularity occurs, precipitating changes in government by means of popular protests

or "street democracy." This phenomenon demonstrates that people can achieve results with important popular movements centered in the capital or in other urban areas. In this context, the populist temptation of radical processes within weak institutions emerges as a significant threat in many countries of the region.

Stable governance in the region has but one future: to deepen democracy and make it more efficient. The legitimacy of electoral democracy is beyond doubt. Societal participation in the design and execution of various public policies is essential, as much as in containing, limiting and acting against corruption. Corruption is an integral element in the erosion of state democracies and rule of law. The quality of democracy the region is capable of constructing will significantly determine the future stability, prosperity and peace of Latin America and the Caribbean.

Notes

1 An earlier version of this chapter was published by *Nueva Sociedad*, 205, September/October, 2006.
2 Student Central Michigan University.
3 The Interamerican Democratic Charter was approved by the Organization of American States (OAS) on September 11, 2001. See www.oas.org.
4 Declaración sobre Seguridad de las Américas, OEA, Mexico, 2003.
5 In order to defuse a political crisis that had raged since a strike by oil workers paralyzed the state-owned oil company PDVSA in December, 2002, Chávez agreed to a deal brokered by the OAS that included application of Article 72 of the Bolivarian Constitution establishing a mechanism for a recall election against the president. The election was held on August 15, 2004, and the president won, with 58 per cent of those voting doing so against removing Chávez from office.
6 The chapter by Martin Nilsson (Chapter 16, this volume) examines the diversity of ideological and programmatic views among the contemporary Latin American left.

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6 The Rule of Law in Latin America

Luz E. Nagle

Introduction

In 2001, several foreign ministers of states belonging to the Organization of American States adopted the Inter-American Democratic Charter,[1] which greatly expanded the concept of democracy to include all the aspects of human dignity. The Charter affirmed that individuals in the Americas have a right to democracy, and that the Charter shall be intended to provide guidance for democratic behavior and to function as a manual of conduct.[2]

According to the Charter, the basis for the rule of law is the "effective exercise of representative democracy,"[3] the essential elements of which include "access to and the exercise of power in accordance with the rule of law" and "the separation of powers and independence of the branches of government."[4] To strengthen representative democracy, citizen participation needs to be "ethical and responsible" in compliance with the constitutional and legal frameworks of each nation.[5]

Four years later, in June 2005, the OAS General Assembly adopted the Declaration of Florida (Declaration), entitled "Delivering the Benefits of Democracy,"[6] in which member states pledged to advance the hemisphere's democratic values and democratic institutions. The signatories of the Declaration declared that "elimination of extreme poverty is essential to the promotion and consolidation of democracy," and that, to reach such a goal, governments will need to create "decent" and lucrative employment.[7] Further, the ministers stressed "that for democracy to prosper governments must be responsive to the legitimate aspirations of their people, and must work to provide their people with the tools and opportunities to improve their lives." In accordance with the Declaration, people have a right to democracy, governments have a duty to "promote and defend it," and governments "must be answerable to their peoples." The Declaration states the manner in which countries ought to be democratically governed: "with full respect for human rights and fundamental freedoms, the rule of law, the separation of powers and independence of the judiciary, and democratic institutions."

The Declaration underscores the daunting challenge confronting Latin American states. Ongoing political unrest and protest suggest that the democratic governments throughout the region are ineffective, weak, threatened, or have

failed completely. Leaders need to instill in their constituencies the sense that democracy is not just a government task but a nation's duty and dependent upon the efforts of each individual citizen. It is a goal to be aspired to by all, and one for which everyone must persevere and work hard to achieve on one's own in the course of one's daily routine. Democracy does not happen overnight with the implementation of new legislation, but rather emerges, remains, and continues through modification, change, and evolution of individual behaviors and cultural orientation.

Fulfilling commitments under the Declaration seems unreachable when the region is awash with several forms of smuggling (trafficking in drugs, weapons, documents, and humans), the escalating violence and destabilization associated with such activities, and increasing gang-related violence in areas where government law enforcement is ineffective.[8] Corruption remains a weakening influence in both the private and public sectors,[9] contributes significantly to economic and political instability,[10] and renders impotent government institutions in which the separation of powers is frequently encroached upon by a bullying executive branch.[11] Furthermore, the independence of the judiciary is undermined by the political interests and subterfuge within the other political branches.[12] Economic inequity remains high throughout the region, and massive poverty overstresses the ability of governments and non-government institutions to bring relief. Even efforts to bring change are met with skeptical apathy in a region where political tradition suggests that "reformers are crooks waiting in the opposition" (Domínguez 1997).

The rule of law and its benefits under democratic systems in Latin America are of an ephemeral and elusive character; and it is not sustained merely by undertaking and holding elections. As in other regions of the world where democratic institutions form the foundations of government, "the ability to create a rule of law helps determine democracy's character and future prospects" (Ungar 2002, 1). Democratic nations require institutions that are effective and efficient, with a participatory civil society and rulers who are responsive to the society's needs and accountable for their conduct in office. Governments need to lead competently by offering pragmatic and attainable solutions to the myriad criminal and socio-political challenges facing the region.

In this chapter I will discuss the nature of the rule of law in Latin American nations, addressing whether, in the context of the Charter, the region can sustain modern democracies and stability, and if so, what is required. I will argue that the rule of law is ineffective or has failed in many Latin states because the political leaders and the ruling class do not want the system to change; on the contrary, some leaders in the region want to maintain a system that serves their own ambitions and private interests as well as the personal interests of the constituents who put them in power. I will conclude that the rule of law will be secured only when and if there is a commitment by both leaders and citizens to reform their institutions and shift from a culture of personal favors and "personalistic relationships" toward a culture of "reward on the basis of merit, and the encouragement of honesty and dissent" (Ratliff 1999, 98).[14]

The Nature of the Rule of Law in Latin America

Before referring to the state of the rule of law in Latin America, we must agree on what notion of rule of law we may apply to the region. The rule of law is a misused, misunderstood, and at times maligned term. Is the rule of law a term to describe due process, justice, and equality before the law? How do we determine the extent to which a state possesses the rule of law? Do we refer to the existence of judicial bodies, government institutions, and rules and procedures in the codes that aspire to aid the promise of justice, equality, economic development, and citizen participation? Or does the rule of law refer to an even and equal manner in which government institutions deal with its citizens? Are we referring to how fair and just the system is? Are we talking about how much discretion a government has over its citizens? Does the rule of law assist economic growth? Does it protect human rights? Is the rule of law an essential precondition for democracy? Are we referring to the rules and procedures by which the state enforces its laws, and do we assume that the rule of law entails that the state is transparent, public, clear, and explicit, and not arbitrary or subject to political exploitation by the state?

The answer to these and more questions depends on one's understanding of the notion of the rule of law. Properly defining the rule of law is a challenging task since the rule of law embraces several concepts,[13] each one focusing on different institutions[14] or on different aspects of the legal system.[15] Central to understanding the meaning of the rule of law is recognizing that problems with current rule-of-law analysis, criticism, and even reform policies arise directly from pitfalls inherent to the definitions used.

Historical Roots of the Rule of Law

Schor, in his extremely well-researched and well-written paper on the rule of law in Latin America, sets forth a clear picture of the evolution of rule of law institutions in the region (Schor 2003), emphasizing that the rule of law in the Americas is shaped by the region's historical roots, and that a thorough examination of the legacies at play in the hemisphere is central to understanding the political and social tensions that affect the institutionalization of the rule of law in the region's modern democratic governments. Schor points out that modern Latin American nations are the product of an elite-held control system, of manipulated interaction among and within the three branches of government in order to preserve the status quo of a ruling class composed of large landowners in control of vast natural resources, and a powerful merchant class capable of manipulating trade and commerce to influence the political landscape.

The post-colonial societies that emerged following independence from European rule were controlled by Creole elites intent on taking charge of their economic, political, and social destiny, and, because they feared granting political power to those unfortunate enough to have been born to the lower classes, the new elite created institutions designed to preclude the masses from consolidating

rights established on paper or in spirit in the early decades of democracy building (Schor 2003).

During the nineteenth century, every Latin American nation implemented civil codes and constitutions. Yet, a closer look at the rules and constitutions reveals the sinister methods used by the elite to exclude the masses. For example, the vote was limited to free men with property who enjoyed the support and loyalty of a military class fully prepared to silence dissension (Schor 2003). Until the late twentieth century, women in many Latin American nations were considered second-class inferiors and prevented from fully participating in legal and political affairs[16] and subject to the authority of their fathers, brothers, or husbands (the patrimony system). Leaders obtained power through personal connections with their benefactors and followers rather than through talent and hard work (the patronage system) (Karst and Rosenn 1975). The ruling *caudillos*, with little more than a nod to the constitutions and laws, infused order by relying on personal loyalties and a rigid patronage system with roots in Roman antiquity. Society was glued together by the charisma and alliances of these *caudillos* and not by the recognition and application of legal norms (Schor 2003).

Economic fiat and laws protecting property rights were consolidated, with the effect that the power and influence of the elite were ensured from generation to generation. Labor and property laws forced small landholders to surrender their title to their land and work on large commercial estates, allowing landholdings to be centralized in the hands of a few, and the legal system was intentionally crafted to confound the resolution of land and title disputes between the disparate groups (Schor 2003).

The twentieth century brought little improvement in the dynamics of power in the emerging Latin American states and can best be characterized as a series of governments struggling to provide some type of representation to a growing middle class and labor groups while protecting the interests of the traditional ruling elite (Schor 2003). Speaking in fairly general terms, while a growing bureaucracy began to provide civil and government services in an effort to consolidate and exert central control, individual rights remained subordinated to social rights, a phenomenon that made the Latin American constitutions very lengthy and overly legalistic (Schor 2003). The executive branch consolidated power and "became the managers of a great bureaucratic organization aimed at providing welfare and promoting economic development" (Schor 2003), but, at the same time, the executive used its decree powers to implement economic policies that excluded those perceived as sectors or individuals not necessary to achieve development.

When economic disputes arose that threatened the interests of the elite, the settlement apparatus of the bureaucratic institutions would kick in and stonewall resolution of the disputes or manipulate the process in favor of the elite. There was little need, then, for an impartial judiciary to settle disputes between private litigants, and, instead, the judiciary became a loyal and dependable "rubber stamp" for the executive and for the larger ruling class (Schor 2003). The laws then, as they developed, excluded a big part of the society, and enforcement of

legal rights other than the rights of the elite class was stymied. The existence of complicated license systems and protecting intellectual property, as an example, became an obstacle to the growth and maintenance of business competition (Corbett 2001). Citizens found the process to reach the courts too complicated, complex, costly, and lengthy, and failed to accommodate various groups and their interests (Corbett 2001).

Nearly two centuries after the end of the colonial rule, these and other legacies leave Latin American nations struggling to determine the precepts, foundations, and limits of a pluralistic form of government. Democracy and the rule of law remain tenuous at best and the purview of the few.

Evolution and Concept of the Rule of Law

In the last decade or so, discussions regarding the rule of law have moved from mere scholarly discourse and into political debate and policy implementation—a phenomenon that transcends borders and legal systems. The "globalization" of the rule of law discourse promotes the rule of law as a concept containing a taxonomy of identifiable elements available to pressure governments into achieving the level of stability, transparency and accountability necessary to attract international investment in the developing world (Carothers 1998). Indeed, rule of law reform agendas are perceived as an essential ingredient to achieving democracy and economic development, and the capacity of an emerging nation to embrace a rule of law paradigm "helps determine democracy's character and future prospects" (Ungar 2002, 1).

We see such a trend among the Latin American states where rule of law projects and initiatives have proliferated in the last two decades through the implementation of "off-the-shelf" rule of law reform projects—a "reform menu"—to achieve a rule of law standard suitable to stimulating confidence, political stability, and foreign investment.[17]

Problems with current rule of law analysis, debate over the meaning of the rule of law, and even reform policies instigated under the title of "rule of law" programs arise directly from pitfalls inherent in either the lack of a clear definition and/or confusion with the definitions in use.

Before examining the state of the rule of law in Latin America, it is important to review the definition of the "rule of law" and how the term should be implemented and applied to the region.

Distinguishing "Rule of Law*" from "Rule* by Law*"*

The concept of the "rule *of law*" identifies a vital component of a Western tradition with roots in Roman antiquity that centuries later fully developed during the birth of liberal constitutionalism. It is best characterized, in the words of Max Weber, as "legal domination" (Li 2000). If we talk about the rule *of law*, we are talking about a concept in which the law is autonomous from the government. Because it is autonomous from the government, the institutions,

and the codes, the rule of law is supposed to include checks and balances in implementations that are going to curb the government's power.

So the two concepts of rule *of law* and rule *by law* are absolutely different, and, when we consider the role played in democracy building by such entities as United States Agency for International Development, it can be argued that the rule of law projects imposed upon Latin American governments in the name of mutual assistance and foreign aid are little more that reform regimes designed to aid and abet recipient governments throughout the region to continue ruling *by law* and not by rule *of law*.

The "rule *by law*" is a legal order dependent upon and subject to the government as the power regulator—a legal fiction framing a set of norms, values, and legal traditions defining a code of conduct and boundaries necessary for the maintenance of a civil society and responsive government. "Law is an instrument of the government, and the government is supreme and above the law" (Li 2000). What we are talking about is oppression of those desiring meaningful reform and democratic representation by the very democratic regimes claiming to have the best interests of the citizenry at heart. Rule *by law* allows a small group of politicians to cover themselves in a cloak of democratic models to continue policies that preserve the corrupt political institutions that have tarnished the democratic process in Latin America since independence from European hegemony.

Under such a concept any implementations or reforms will be just formalistic and incidental to and tailored for the governments' subjugation and control of its citizens. There is no control over the government's actions; the government can act capriciously, arbitrarily, and unpredictably. Rule *by law* "means that a government in all its actions is bound by rules fixed and announced beforehand" (Hayek 1994), rules making it possible to foresee with reasonable certainty that government authority will use coercive force under some circumstances, and to intervene in an individual's personal affairs when justified for the good of the state (Hayek 1994). Under such a regime, the government's arbitrariness lacks constraints and its policies seem irrational, unwise, and ill-advised.

The rule *of law*, on the other hand, is founded on a legal order independent *from* the government—a legal fiction framing a set of norms, values, and legal traditions defining a code of conduct and boundaries necessary for the maintenance of a civil society and responsive government (Li 1994). The authority bound in the rule of law depends on its degree of autonomy and not on the "instrumental capabilities" imbued in the laws promulgated by government (Li 1994). Such a degree of autonomy and independence gives the law a distinct and separate structure from other organizations.

As an independent legal order, the rule of law has three meanings. First, the rule of law is a regulator of government power; second, the rule of law means equality before the law; and third, the rule of law means procedural and formal justice (Li 1994).

The rule of law as *power regulator* or controller limiting government arbitrariness and power abuse (Li 1994) restrains government "tyranny" because

the law and not the government is the supreme authority. To limit government abuse and discretion, the laws and procedures are pre-enacted and publicized, which means that government officials must obey the presently legal positive law, and that they must conform to restraints on their law-making power, including their power to change the law as mandated by natural law, customary law, and respect for human rights (Li 1994).

The rule of law as *equality before the law* implies that no person may be above the law and that one's actions are answerable to the constitution and the codes. In the political and social fabric of Latin America, recognition of the rule of law under this concept is easily perceived as remote and ephemeral.

The third meaning of the rule of law pertains to *formal or procedural justice*, and demands that procedures and decisions are deduced from the legal system itself and that the rules must be applied consistently. The rules defined under a rule of law paradigm must be predictable because they were previously enacted and proclaimed, fair, transparent, and consistently applied (Li 1994).

Rule of Law Reform Agendas in Latin America

The promotion of rule of law initiatives in Latin America and sponsored predominantly by the United States began in earnest in the mid-1980s (Carothers 2003). The subsequent proliferation of rule of law initiatives in the region insinuates that they have morphed into a panacea for all of Latin America's ills.[18] Yet, despite the promise of being a cure-all elixir, many rule of law programs result in far more problems then they address, and, at times, rule of law reformers have operated on dissimilar directives and "overlapping and sometimes conflicting goals" (Thome 2000). What is happening in the region can be summarized with the statement, "We know how to do a lot of things, but deep down we don't really know what we are doing."[19]

Many rule of law programs reveal a lack of knowledge at numerous steps throughout the formation, development, and evaluation process, and even more shortcomings in the follow-up monitoring stage. Programs seems to suffer from a lack of coordination, and there is "uncertainty about the essence of what the rule of law actually is—whether it primarily resides in certain institutional configurations or in more diffuse normative structures" (Carothers 2003). International assistance and its effectiveness in rule of law agendas appear ambiguous when each Latin American nation has promoters and aid workers focusing on different fields, using different strategies, and with many and at times contradictory goals.[20] In some instances, there are multiple rule of law program contractors working on the same issues in one country with no sense of coordination and working at cross-purposes, and the complexity of the task of promoting rule of law projects, particularly in considering the particularities of each legal system and society, is routinely overlooked. It is as if reform contractors repeatedly attempt to apply a one-size-fits-all program from country to country without regard for the political, social, historical, cultural, and institutional nuances and intricacies unique to any given Latin American state.

This mentality toward finding practical and specific solutions causes confusion and frustration and renders the promises touted by some rule of law reforms unfulfilled.

Some programs use only one rigid and specific method or a combination of methods that are formal, substantive, and functional.[21] The lack of a well-developed program that is tailor-made to a specific condition or set of circumstances is a serious concern, especially in light of past failed efforts to reform legal institutions.

Yet, even in the face of known flaws and uncertainties in design, implementation, administration and follow-up, Latin American nations frantically have changed institutions, implemented new laws and codes, purchased new technology, and built new court houses—often without assessing the goals or the long-term impact.

Many rule of law reforms have been devised without considering what "institutions are most germane to the establishment of the rule of law in a country" (Carothers 2003), and the rush to compete for lucrative rule of law contracts has resulted in obsessive, and at times schizophrenic, consulting practices and program development. Rule of law promoters "tend to translate the rule of law into an institutional checklist, with primary emphasis on the judiciary" (Carothers 2003). The effectiveness and funding expenditures involved in judicial reform programs alone should be brought into question given only a few citizens ever have contact with the courts. Yet, reforms often ignore or at the least fail to appreciate the intricate relationship of the targeted institution to the other political branches of government, fail to offer coordination among the branches, or fall short in considering the effects of such reforms on the other branches. Since rule making is "the most generative part of a rule of law system," for example, would it not be more relevant for reform programs to focus on the role of the legislative and executive branches in the law-making process when initiating a rule of law project targeting the judiciary? Reforming one branch alone, and at times in an iconoclastic manner, fails any aim for improving the overall rule of law in a nation. Moreover, having an insulated institutional approach to rule of law reform misses the normative aspect of the law and the role that the civil society has in a nation.

> Clearly law is not just the sum of courts, legislatures, police, prosecutors, and other formal institutions with some direct connection to law. Law is also a normative system that resides in the minds of the citizens of a society. As rule of law providers seek to affect the rule of law in a country, it is not clear if they should focus on institution-building or instead try to intervene in ways that would affect how citizens understand, use, and value law. (Carothers 2003)

Reforms need to have a comprehensive strategic planning, careful integration, sensible sequencing, and follow-up evaluation.

Rule of Law Concepts

The lack of a well-developed notion of what exactly is the rule of law is a serious concern, especially in light of past efforts to reform legal institutions. To assess rule of law programs in the region, we need to know how we define the rule of law and to what we would equate it.

When reading about the rule of law in Latin America, one gets the impression that the rule of law equates to the existence and preservation of certain institutions, the need to reform legal institutions, the need for new rules and codes, and the training of individuals to adjust to newly created institutions.[22] Writings make reference to "building the rule of law," "governments bound to the rule of law," "rule of law essential to economic and political development," and many more epithets. Most of the scholarly writings define rule of law from one specific method or a combination of formal, substantive, and functional methods.

To assess the rule of law in the region, first we need to define it. Reformers have contemplated several approaches and definitions.

The Formalism Definition

A formalist approach considers the existence or nonexistence of specific, recognizable criteria in the legal system. It seems objective and clear because it avoids subjective judgments (Stephenson). This method looks at the presence of provisions such as publicly known rules, impartially applied norms, rules that are clear and prospectively applied by an impartial and independent judiciary, and judicial review of government action. In formalistic definitions "the rule of law is measured by the conformity of the legal system to these explicit standards" (Stephenson). A formalist classification, however, concentrates on the existence of procedures applied to implement the norms, but loses sight of the content, consequences, and applicability of those laws.

The formalistic approach puts great importance on the written laws ("the law on the books") and how the laws are implemented ("law in action"). In fact, Latin American countries proclaim rule of law principles in their official documents and substantive legal norms, but in actuality the principles alluded to are often missing or misconstrued, or distributed unevenly. The result is a vacuum between what is ideal law on the books and the operative law in action.[23]

Relying on this approach because Latin American countries revise old laws and promulgate new laws under the rule of law rubric, one could conclude that most of these countries have a well-founded rule of law. However, this strategy ignores many important and relevant factors that affect the rule of law.

One very important element is the exclusion of sections of the society and the suppression of different viewpoints. Drafting is often done by small groups of lawyers who share a common ideological viewpoint, and, according to Hammergren, "This tends to produce lopsided codes which optimize one set of values or intended impacts while ignoring many others" (Hammergren 1998).

Another factor affecting the rule of law under this formalistic approach is that governments perceive that they need to expedite the implementation of certain statutes, codes, and reforms. In fact, in the name of free market reforms, governments have not only rushed to enact new legislation, thereby sacrificing the same market reforms they try to put in place, but they have used questionable tactics to achieve support for the legislation.

Presidents have curtailed public debate and opposition using presidential decree powers to implement new market reform legislation (Teichman 2001). In the long run, speed and exclusion sacrifice the same policies the government sought to implement. "The very process of pushing through the reforms, combined with the concentration of economic power that accrued afterwards, has undermined democratic deliberative mechanisms" (Teichman 2001). Events in the region indicate that disaffected citizens often react to their political isolation by violent protest, creating chaos and causing material damage.

In the name of market reforms, governments have used questionable tactics to gain supporters. One is the "material exchange relationship" of granting "monopolies for extended periods of time," or the implementation of "provision of export subsidies to companies already exporting or in a position to do so," to the exclusion of others (Teichman 2001). Another old but still effective government tactic is clientelism whereby government officials selectively distribute patronage to trade unions and key leaders in exchange for political support.[24] These methods of exerting force and control all have a detrimental effect on the rule of law.

Codes and legislation promoting market reforms come at a high cost to several Latin American nations. Several are the product of governments employing coercive means to implement changes while demonstrating "a tendency to cronyism and to the establishment of new forms of rent-seeking" (Teichman 2001). Various sectors of the society have been excluded by the powerful businessmen who "gained preponderant influence over public policy as a consequence of their close personal ties with political leaders." Norms were implemented not with transparency but as a result of "under the table business deals in which political leaders received high kickbacks, or businessmen fronted business deals of politicians" (Teichman 2001).

The speed under which legal changes take place also affects relations between governments and citizens, with citizens frustrated by the lack of time given to comprehend fully the changes and their impact. The rush to implement laws reinforces Latin Americans' belief that their governments' authoritarian impulses are yet another aspect of abuse of power.

Further, the formalistic approach neglects to consider how the constant implementation of new laws and codes causes instability and inconsistent application of laws, and renders rules unpredictable because of the speedy way in which they are enacted. Rules then become unfair, without transparency, and selectively applied. The Justice Studies Center of the Americas analyzed various reforms in the region and found that rules without implementation fail to

consolidate the much-needed rule of law. In every country the Center examined, the following problems were found:

> [A]n overall inability to manage the scheduling and inter-agency coordination necessary to hold oral hearings, which translates to delays, loss of prestige of the systems vis-à-vis its users, misuse of resources, and deterioration of public relations and of transparency. Even incarcerated defendants fail to appear for hearings due to problems with prison transport services or communication systems between the courts and the prisons. The reform process has not systematically dealt with the administrative challenges implied by oral hearings. The entire administrative apparatus was developed for processing cases in the written system and is, therefore, intent upon producing a formal written record. To add to the difficulties of inter-agency coordination, the infrastructure of courts in some countries is simply not set up for holding public trials. (Biebesheimer 2004)

The formalistic approach, finally, fails to give a proper reading of the rule of law and may in fact exacerbate its demise.

The Substantive Definition

The substantive definition, according to Matthew Stephenson, focuses on results and concentrates on "justice" or "fairness" (Stephenson). The substantive definition links the rule of law with something "normatively good and desirable" (Stephenson). This concept measures the rule of law by how well the system being considered resembles the initial goal.

But this approach has its shortcomings. Deciding how just and fair a specific legal system is entails a very complex and subjective analysis (Stephenson 2004). Moreover, it seems that we should not be concerned with whether a society possesses or lacks the "rule of law" when we are determining whether the nation is just and good. This approach gives an unfair, even contradictory and false, reading of the rule of law in Latin America. Is this approach judged according to what the civil society in a nation thinks is "fair and just" for their way of living and goals (Stephenson)? Who compares the society, a reformer or a citizen of that society? Or does this method evaluate a nation's rule of law as it is compared to others, and, if compared to others, are the other societies similar to the one being evaluated? Will concluding whether one country possesses the rule of law depend on the organization or individual evaluating the nation? Or will it depend on what the nation's citizens believe ought to be fair and just?

Here we run into the problem of the "one-size-fits-all" approach to rule of law reform. In the name of improving the rule of law, the countries in the region have embarked on several institutional reforms. Some perceive such reforms in public institutions as of the "overwhelming importance of the institutional framework to global competitiveness" (Sabatini 2005). But, this strategy has created frustrating results not only with the reforming institutions but in the

nations reformed. Judgment on a nation's rule of law cannot ignore the opinion of the citizens affected by the systems. Likewise, reforms cannot be imposed from outside.[25]

The Functional Definition

In his cogent analysis of the functional definition, Stephenson focuses on how well the law and legal system prevent governmental indiscretion and arbitrary action, and makes the legal system predictable. A great amount of government discretion in a society equates to a nominal rule of law, while little discretion equals a greater level of rule of law. This approach presents its own obstacles; it seems to give legitimacy to actions performed in accordance with the law, even if many individuals oppose those governmental actions.

Government discretion does not necessarily equate to a greater rule of law (Stephenson 2004). In Latin America, executive officials make many decisions daily. Presidents often legislate by presidential decree, and administrative agencies issue thousands of regulations and codes. Outsiders tend to evaluate the amount of presidential decrees as arbitrary governmental actions while many nations construe such "prerogative" not only as following the law but as being constrained by it. How then are we to total the levels of discretion for individual types of decisions into an overall measure of the rule of law?

Another problem with the functional approach is that, in order to prevent governmental abuse and arbitrary action and make the legal system more predictable, nations implementing reforms require a judicial institution that is strong, independent, ethical, and effective (Stephenson 2004). To achieve this goal, there is a need for a judiciary that can balance the power of the political branches while avoiding arbitrariness and tyranny. Judicial reforms already implemented in the name of the rule of law have been described by Hammergren as slow, inherently unpredictable, and messy.

> Anyone who thought they could design a comprehensive reform program to be implemented in five years was not living in the real world. However, excessive delays in some cases, massive investments with minimal or the wrong results in others, and the fewer instances of appreciable success do suggest that reforms must be more systematic as well as systemic in their focus, and that it may be time for a third generation approach, one which is more selective in what it attempts and how it attempts it, which prioritizes and sequences types of change, and which more closely examines the external and internal incentive systems it utilizes and attempts to alter. (Hammergren 1998)

The reality of government in Latin America challenges the goals of rule of law reform because, throughout the region, the executive branch still exerts tremendous power over the other two branches, ruling by decree to force its will on judiciary and legislature, or undermining judicial authority through political

subterfuge and cronyism. There is little accountability for the actions of civil servants and influential citizens. Rules are made by members of the elite and upper class with little or no citizen participation. Equality of the laws is just a statement on the books that the powerful need not obey, giving truth to the Latin American clichés, "made the law, made the trap" (hecha la ley hecha la trampa), and "the deal for my friends, the law for my enemies" (la movida para mis amigos, la ley para mis enemigos).

The reforms in place also put into question the approach taken toward reforming the rule of law. Hammergren's brilliant analysis of rule of law projects in Latin America is well worth repeating here:

> Still the advances have been uneven, both within and across countries. Some of the largest, most ambitious donor programs seem to have produced the least measurable progress—USAID's program in Colombia (supporting an extremely ambitious national restructuring of the entire justice sector) or the World Bank's Venezuelan project are arguably two examples, although in both cases participants argue that it is too early to make this determination. Even in countries which seem to have done more, observers have questioned the quality or long term significance of their accomplishments. The new programs, as designed and implemented, often seemed driven by extraneous or counterproductive criteria, sometimes openly contradicting the accumulated lessons of earlier experience. More laws were rewritten, but attention to their intrinsic quality or the conditions for their effective implementation continued to receive short shrift. Monies were spent on infrastructure, equipment, or massive training programs, but appointment systems continued to be ruled by personal and partisan contacts; disciplinary and evaluation systems are nonexistent or underutilized, backlogs accumulate, and delays increase. Higher budgets, and greater judicial control of administration and financial management have sometimes produced still more opportunity for questionable use of resources, while the introduction of judicial councils has often transferred undesirable practices from the courts to the new entities. Efforts to depoliticize the appointment of Supreme Courts have not produced noticeably better candidates and have often meant a shift from one-party control to multi-partisan colonization. More independent courts or councils have sometimes escalated conflicts with other branches of government leading some citizens and many politicians to question the wisdom of their greater autonomy. (Hammergren 1998)

The Goal/Ends-based Definition

A goal-oriented "ends-based definition"[26] is a better barometer to assess the level to which a Latin American nation possesses the rule of law. This definition specifies the goods that the rule of law provides to a society, and includes goals that the rule of law seeks to achieve within a nation. A society with the rule of

law is one that illustrates and exemplifies the following five achievements: "1) government bound by the law; 2) equality before the law; 3) law and order; 4) predictable and efficient rulings, and; 5) human rights" (Belton 2005).

When a nation determines the goods and ends to include as part of the rule of law, then, and only then, can the nation organize, prioritize, and budget the "tools" that will help to reach those goals. These tools, such as upholding law and order, training the police, or providing predictable judicial proceedings are "what most people mentally measure when determining the degree to which a country has the rule of law" (Belton 2005).

The ends-based concept did not surface all at once, but developed gradually over a period of time in response to different historical needs representing distinct societal goals that are often in tension but advanced together (Belton 2005). As Belton so aptly points out, "Each end goal touches on different cultural and political issues. Each is thus likely to meet different pockets of resistance from different portions of society in countries being reformed" (Belton 2005).

Problems with the Latin American Approach to the Rule of Law

The many problems confronting the region are of both external and internal origins. They are external because those governments or institutions inducing Latin America to improve their rule of law have overlooked and underestimated rule of law goals by overstressing institutional reforms. Reforms are promoted by developed nations to achieve Western-like institutions, but in so doing ignore the difficulties and flaws contained within their own political institutions.

For example, judicial and criminal reforms agendas throughout Latin America are modeled after the Anglo-American adversarial system and discount entirely the social, cultural, and historical background of Latin America's centuries-old continental legal traditions, completely discarding entire legal systems because they are considered by so-called rule of law experts to be inferior to the common law milieu of the United States. Such is presumptuous in the very least and invites discontent, confusion and animosity toward reform projects and deters rule of law ends. Rather than helping to improve the delivery of justice and reinforce the rule of law, this approach, bordering on bullying by the United States reformers, deters meaningful and enduring change.[27] There is plenty of documentation to advocate for a reform of the judicial institutions in the Americas, but, as Thome points out, "there are clear risks in using models from the North to fix the legal 'insufficiencies' without due regard to the particular needs and contexts of the Southern 'receiving' societies" (Thome 2000).

Reformers give the impression that the modeled institutions are the solution to every problem and present them as perfect and invulnerable. Reform promoters seem not to accept that the very institutions upon which reform regimes are modeled are themselves susceptible to corruption, abuse, and political machinations, particularly within the judicial process. Reform consultants

coming to work in Latin America from abroad often fail to acknowledge fallibility in the systems they are transplanting, and they forget to communicate to reform recipients that the institutions being modeled are also deficient and in a constant state of evolution toward better goals.

The developed nations, namely the United States, overlook the fact that their legal culture is different from those of Latin America and that such culture has at times created its own cushion for when their own institutions fail.[28] "Not only are innumerable institutions to be reformed not necessarily essential to rule of law reform, but they can even impede it, by insisting on a model that is either unnecessary or unsuited to the political and cultural landscape" (Belton 2005).

The internal problems impeding meaningful reform and reinforcement of the rule of law in Latin America concern the failure of Latin America's leadership first to consider the implications of rule of law initiatives from aiding nations on the goals to be reached, and properly and pragmatically identifying the institutional, political, and cultural changes truly necessary to best achieve those goals.

Leaders need to communicate with their own citizens, from all sectors of the society, and make them participants in the reforms. They need to connect the goals before changing institutions. For example, to attack criminality in order to achieve law and order, equality under the law, and human rights, several tools can be improved: police reform and retraining, revising criminal codes by increasing certain penalties, establishing procedures to facilitate just and fair trials of suspected individuals, creating a court system with independent and ethical judges, rules of procedure that will allow judges to hold trials that are just, speedy, and fair, and establishing a judicial police force that is well trained and tooled to investigate fairly, speedily, humanely, and ethically every crime, including those committed by influential members of the community.

Conclusion

In the final analysis, it must be up to the Latin American states themselves to determine how best to utilize the rule of law expertise offered from external sources. While rule of law reforms are essential to helping weak Latin American governments to overcome centuries of corrupt practices and the overbearing influences of a ruling elite class, the reforms cannot take place without regard to the legal traditions and historical precedents that are central to the socio-political fabric of Latin America. Latin American governments must exert greater control over how rule of law programs will be designed, implemented, and monitored long after the reform projects end.

Enough time has passed now since the rule of law and legal reform "industry" moved into Latin America as part of a United States foreign policy and foreign investment agenda to bring political stability to the hemisphere. Long-time reform experts have begun to take stock of the work they have done, and some, like Dakolias and Hammergren, are recognizing that many rule of law

programs have not met expectations, and that, in some cases, the Latin American institutions targeted for rule of law programs are worse off now than prior to the implementation of the rule of law aid programs.

There is nothing sinister about the continuation of rule of law initiatives. To do nothing to help stabilize and improve weak governments in the region will lead to far worse consequences. We cannot expect every rule of law reform to be a "home run." There will be errors, and there will be failures. But if all involved in the rule of law reform agenda are willing to learn from the errors and be more open to the needs and historical ramifications of the recipient nations, perhaps the rule of law will take firm hold in Latin American nations, and the concept of rule *by law* will fade in the historical ether of the region.

Notes

1 *Carta Democratica Inter-Americana (Democratic Charter)*, OEA/Ser.G/CP-1, available at http://www.oas.org/OASpage/esp/Publicaciones/CartaDemocratica_spa.pdf (visited Jan. 25, 2006).
2 Ibid.
3 Article 2 of the *Democratic Charter* at http://www.oas.org/OASpage/eng/Documents/Democractic_Charter.htm (visited Jan. 25, 2006).
4 Article 3 of the *Democratic Charter* at http://www.oas.org/OASpage/eng/Documents/Democractic_Charter.htm (visited Jan. 25, 2006).
5 Article 2 of the *Democratic Charter* at http://www.oas.org/OASpage/eng/Documents/Democractic_Charter.htm (visited Jan. 25, 2006).
6 *Declaration of Florida* AG/DEC 41 (XXXV-O/05) was adopted at the fourth plenary session held on June 7, 2005, in Fort Lauderdale, Florida. See at http://www.oas.org/XXXVGA/english/ (visited Jan. 15, 2006).
7 *See Declaration* AG/DEC 41 (XXXV-O/05) available at http://www.oas.org/XXXVGA/docs/DEC. per cent20FL per cent20FINAL.doc (visited Jan. 15, 2006).
8 For several decades, Colombia has languished under drug-related violence and insurgency by non-state actors. In Central America and Mexico, gang violence presents a growing threat to an already tenuous stability in the region. See "Gangs Pose a Serious Threat to Hemisphere, El Salvador Official Tells OAS," Press Release, Nov. 30, 2005, available on the OAS website at http://www.oas.org/OASpage/press_releases/press_release.asp?sCodigo=E-274/05 (visited Jan. 3, 2006).
9 Corruption continues to be a major problem in the hemisphere. According to the 2005 *Corruption Perceptions Index* from Transparency International, in Latin America, Haiti has the highest corruption while Chile has the least corruption. See "Most Corrupt," *Latin Business Chronicle*, available at http://www.latinbusinesschronicle.com/topics/corruption/ranking.htm (visited Feb. 7, 2006). Even after most of the countries in the hemisphere have signed, ratified, and implemented legislation to adopt the Inter-American Convention against Corruption, bribes continue to be the biggest problem in the region. See also Paul Constance, "Inside the Beast," *IDB America*, available at http://www.iadb.org/idbamerica/index.cfm?thisid=385 (visited Feb. 5, 2006). In Peru, for example, the Montesinos–Fujimori corruption case uncovered a widespread network of criminal activity that resulted in the prosecution of 1200 individuals in all three branches of government, as well as in the military, in the electoral system, and in the press. See generally MacMillan and Zoido (2004). See also "Effective Investigation and Prosecution of

Corruption in Latin America and the Caribbean," article featured on the Inter-American Development Bank website, available at http://www.iadb.org/news/display/wsview.cfm?ws_num=ws03305&language=English (visited Feb. 4, 2006).

10 Ecuador has seen seven presidents come and go since 1996, with one holding office for just three days. On June 6, 2005, after nine months in office, President Carlos Mesa was forced to resign by the country's indigenous population. This was Bolivia's second president in less than two years. For a complete list of Ecuador's presidents and their terms, see *Mi Poder en la Constitución*, available at http://www.ecuaworld.com/discover/president.htm (visited Feb. 4, 2006). In 2000, Peru's Fujimori announced that he would run for a third term despite a constitutional restriction to two terms. His winning was tainted with vote fraud allegations and boycotts. In the face of overwhelming corruption allegations, Fujimori fled to Japan and resigned. In 2001, Argentina's economic collapse caused serious political instability, resulting in the appointment of six presidents in four years, five of whom served over a period of just two weeks. See Trinkunas and Boureston (2002).

11 On April 4, 1992, President Alberto Fujimori of Peru dissolved Congress in what became known as the auto-coup. He then revised the Constitution; called new congressional elections; and implemented substantial economic reforms. See the US State Department's *Background Note: Peru*, available at http://www.state.gov/r/pa/ei/bgn/35762.htm (visited Feb. 4, 2006).

12 For a thorough review of presidential hubris in Latin America, see Human Rights Watch's report on *Judicial Independence*, available at http://www.hrw.org/reports/2004/venezuela0604/2.htm (visited Feb. 4, 2006).

13 Many associate the rule of law with notions of no *ex post facto* laws, presumption of innocence, dual jeopardy, or *habeas corpus.* For a generalized and not particularly authoritative discussion on the topic see the Answer.com webpage at http://www.answers.com/topic/rule of law copyright (visited Jan. 15, 2006). Others include more elements such as: the supremacy of the law, concept of justice, restrictions on the exercise of discretionary power, doctrine of judicial precedent, common law methodology, prospective laws, independent judiciary, legislative power exercised by parliamentarian body and restrictions on the executive's exercise of legislative powers, and moral basis of law. See Mark Cooray, *The Australian Achievement: From Bondage to Freedom*, ch. 18, "The Rule of Law," available at http://www.users.bigpond.com/smartboard/btof/chap180.htm (visited Jan. 15, 2006). Ungar defines the rule of law as "comprising an independent effective judiciary, state accountability to the law, and citizen accessibility to conflict-resolution mechanisms" Ungar (2002, 1). In commenting on a GAO report, USAID defined rules of law as follows: "The rule of law embodies the basic principles of equal treatment of all people before the law, fairness, and both constitutional and actual guarantees of basic human rights; it is founded on a predictable, transparent legal system with fair and effective judicial institutions to protect citizens against the arbitrary use of state authority and lawless acts of both organizations and individuals." See *GAO Report to Congressional Request, Foreign Assistance Rule of Law Funding Worldwide: Fiscal Year 1993–1998*, at 13. Also found at http://www.gao.gov/archive/1999/ns99158.pdf. Melissa Thomas states, "The benefits of the Rule of Law depend on how the Rule of Law is defined. For the Christian philosophers, the Rule of Law was identified with the triumph of the substantive commandments of God; it was valuable because it was equivalent to good government. More generally, the advantages of substantive Rule of Law are the advantages of whatever rules are to be implemented: for example, the guarantee of basic human rights or the presumption of innocence. Yet the narrower procedural definition of the Rule of Law has virtues as well; it is expected to make

government action predictable. This predictability is supposed to encourage investment and allow people to plan their lives meaningfully. Contract enforcement is that it allows people to trade and thus to increase their utility; this is thought to be a superior process of allocation because people have the best knowledge of what goods will satisfy them. Accordingly, Rule of Law is associated by economists with economic benefit, including growth (Hayek 1960). For thinkers from the Greeks through today, the Rule of Law protected citizens from a monarch's individual passion and self-dealing. Meaningful law, and institutions to change it, allows us to more easily identify and change the rules by which our lives are governed, providing a 'handle' for social action." See Melissa Thomas, *The Rule of Law in Western Thought*, World Bank webpage at http://www1.worldbank.org/publicsector/legal/western.htm (visited Jan. 15, 2006).

14 According to Rachel Kleinfeld, "Conceptual confusion may have arisen because practitioners working to build the rule of law abroad have developed an entirely different way of looking at the concept, based not on end goals but on institutions to be reformed." See Rachel Kleinfeld Belton (2005, 6).

15 The expression "rule of law" has no set meaning and stems from normative scripts on law and government, primarily by Western writers who molded the term to suit their vision of the "ideal" or "just" state. See Grote (1999, 271) for a review of ways in which the phrase has been used in France, Germany, the United Kingdom, and the United States. In the book *The Constitution of Liberty* (1960) Friedrich Hayek follows the history of the phrase. A. V. Dicey attempted the first modern definition in his book *Introduction to the Study of the Law of the Constitution* (1959). See also Stephenson (2004).

16 See Inter-American Commission on Human Rights, OAS, *Report of the Inter-American Commission on Human Rights on the Status of Women in the Americas*, Ch. III(B) Civil and Political Rights of Women, OEA/Ser.L/V/II.100 Doc. 17, Oct. 13, 1998 (summarizing the advancements obtained for women's rights in the last two decades of the twentieth century following constitutional, human rights, and political reform movements throughout Latin America), http://www.cidh.org/countryrep/Mujeres98-en/Chapterper cent203.htm (visited Apr. 4, 2008).

17 Rule of law reforms have been grouped by subject matter and by a method focusing on in-depth reforms. Reforms by category will include criminal law, commercial law, administrative law, etc. Reform by the in-depth approach has been sorted into three types. Category one focuses on the laws themselves, their revision and repeal; category two focuses on strengthening law-related institutions; and category three focuses on the deeper goals of increasing a government's compliance with law. See Carothers (1998).

18 Thomas Carothers writes that the main obstacles to reform are political and human. Rule of law reform will succeed only if it gets at the fundamental problem of leaders who refuse to be ruled by the law. Respect for the law will not easily take root in systems rife with corruption and cynicism, since entrenched elites cede their traditional impunity and vested interests only under great pressure. Even the new generation of politicians arising out of the political transitions of recent years is reluctant to support reforms that create competing centers of authority beyond their control. See Carothers (1998).

19 Statement given by a person closely involved with rule of law in Latin America. See Carothers (2003, 5).

20 The World Bank's rule of law reforms in the region target judicial reform. According to the Bank, the judiciary has been an impediment to the development of market and private sectors. See Sureda (1999, 20).

21 "Most definitions can be classified according to whether they emphasize formal

characteristics, substantive outcomes, or functional considerations. The differences between these three conceptions and the implications of each for efforts to establish, measure, or foster the rule of law." See Stephenson (2004). Different formal definitions may use different standards.

22 See how USAID refers to promoting and assisting the rule of law in Latin America and the Caribbean: "working to change their criminal codes procedures, Mexico launched new Freedom of information legislation; Bolivia now has oral, adversarial criminal justice system, more personnel working in justice systems, more qualified, justice budget is larger, productivity is higher." See *USAID* (2004, 14, 15, 110).

23 According to Thome, this situation is not unique to countries that had authoritarian regimes during the 1970s and 1980s. See Thome (2000).

24 For example, in Mexico, the government allowed a leader of the state petroleum workers' union to set up his own contracting company. He cashed in on the state petroleum company's move to make greater use of outside contractors. Using clientelistic methods, Argentina's President Carlos Menem channeled funds toward the social funds and selectively increased salaries of those who supported his policies. See Teichman (2001).

25 Professor Thome describes the evolution the World Bank had throughout its involvement in rule of law projects in the Americas. See Thome (2000).

26 Definitions of the rule of law fall into two categories: (1) those that emphasize the ends that the rule of law is intended to serve within society (such as upholding law and order, or providing predictable and efficient judgments), and (2) those that highlight the institutional attributes believed necessary to actuate the rule of law (such as comprehensive laws, well-functioning courts, and trained law enforcement agencies). See Belton (2005).

27 According to Belton, depending on how law reforms are implemented, institutional reforms can undermine the rule of law. See Belton (2005).

28 It is not easy to measure or define legal culture. Culture is a broad "catch-all term for an array of complex beliefs, symbols, and patterns of behavior." Not even anthropologists agree on a definition of culture. See *Legal Culture and Judicial Reform*, unpublished paper available at the World Bank web page at http://www1.worldbank.org/publicsector/legal/LegalCultureBrief.doc (visited Jan. 15, 2006).

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7 Executive–Legislative Relations and Democracy in Latin America

Peter M. Siavelis

Introduction

With the consolidation of democratic regimes across Latin America during the last thirty years, analysis of democratic transitions has given way to a concern with the actual functioning of democracies and, in particular, with the influence of democratic institutions like the presidency, congress, elections systems, political parties, the courts, and bureaucracies.

This has certainly not always been the case. These institutional elements of democratic politics were overlooked in the past for many reasons, some practical and some theoretical. In practical terms during the mid-1970s few countries in the region were democracies. Analyses, therefore, largely focused on the role of militaries, the origins of authoritarian rule, and, later, transitions to democracy. In theoretical terms, the predominant approaches to understanding Latin American politics during the 1960s and 1970s focused on societal and cultural variables, the importance of economic modernization, dependency, or the influence of international actors. Institutions were largely viewed as a byproduct of one of these other variables or as simply epiphenomenal, rather than important independent variables in their own right. Even with the return of democracy across the region institutions remained largely overlooked as governments were concerned with addressing deep social and economic problems.

An incipient institutional focus began in the 1990s, with widespread analyses of Latin American presidencies. Certain institutions, and especially legislatures, remained under-analyzed. This is the case because the latter were usually seen as rubber stamps for overly powerful executives. Morgenstern notes that Latin American legislatures were viewed as "at best irrelevant to the policy process, if not venal and destructive" (Morgenstern 2002, 1). Latin American legislatures and the nature of legislative power when analyzed were also misunderstood, with scholars fundamentally viewing legislative power as a zero sum relationship, with legislative power simply a function of executive power. Indeed, Needler notes "in the sense of the formal constitutional attributions of power, the legislature is stronger where the president is weaker" (Needler 2002, 156).

Many of these practical and theoretical realities have now changed. Recent analyses recognize that institutions and executive–legislative relations are central

to understanding the quality of democracy in the region, and indeed, critical to understanding whether democracy succeeds or fails. As democracy became consolidated and militaries faded in importance as the ultimate arbiters of politics, there have been dramatic demonstrations of the centrality of the executive–legislative equation. These include instances of impeachment or attempted impeachment, dramatic constitutional reforms aimed at transforming the nature of executive–legislative structures, and ample evidence that legislatures do matter in shaping policy (Morgenstern and Nacif 2002, 394–449).

This chapter analyzes the evolution of thinking about executive–legislative relations in Latin America and the performance of its presidential regimes since the widespread transitions toward democracy began thirty years ago. It explores the generally negative reputation of presidentialism as a regime type in the first literature on the subject, and evaluates how this reputation has changed over time. Given the reality that fundamental regime reform is unlikely, the chapter explores arguments that have been advanced for improving presidentialism as a system. The chapter concludes with a discussion of the functioning of executive and legislative relations on the ground in Latin America, pointing to significant trends in executive–legislative relations. Overall, this chapter argues that the performance of Latin American presidentialism has been mixed, as is the evidence that the institutional structure of presidentialism itself is responsible for this mixed record.

The Perils of Presidentialism

Despite many studies of the US presidential system, the study of presidentialism in Latin America remained overlooked until recently. This is paradoxical because Latin America in many senses is the continent of presidentialism, with the largest concentration of presidential systems in any region in the world. Presidentialism took root very early in Latin America. As the region's revolutionary leaders sought potential models for structuring nascent governments, they looked to the two great political revolutions that could provide models of their time: the US and the French. By the time most Latin American countries achieved independence in the 1820s, however, the US remained the sole revolutionary inspiration, with France having already descended into the disorder of the Napoleonic era. The US system was essentially copied by Latin American countries given their leaders' admiration for the revolution and their fraternity with US revolutionaries.

Despite copying its general political model, however, efforts to reproduce the success of the US in consolidating democracy proved elusive, and the region has often been characterized by instability and violence. Despite long periods of democratic politics in some countries (and particularly Chile, Uruguay and Costa Rica), scholars looked to explanations beyond simple regime structure as the root causes for the instability that engulfed most of the rest of the region.

However, increasing concern with institutions in general, and presidentialism in particular, actually grew out of scholars' efforts to understand the democratic

breakdowns that occurred during the 1970s. A path-breaking article by Juan Linz hypothesized that rather than just an artifact of Latin America's historic effort to copy the US system, presidentialism might actually be central to an explanation for persistent problems of instability in Latin America (Linz 1994, 3–87).

In particular, Linz argues that presidentialism's separation of powers creates problems of dual legitimacy, because both legislators and the president have a claim to legitimate authority. This problem does not exist in parliamentary systems where the executive and legislative branches are fused. Further, the direct and separate election of legislators and presidents is likely to produce double minority presidents, or those who are elected with only a plurality of the popular vote and who lack majority support in the legislature. The potential executive–legislative deadlock produced by this situation is exacerbated by presidentialism's rigidity, or the inability to remove an unpopular or moribund president. In parliamentary systems, of course, this can be done with a simple vote of no confidence. However, beyond the extreme measure of impeachment (which is reserved for illegal acts), the rigidity of presidentialism prevents the removal of presidents in situations of deadlock or where presidents are extreme lame ducks.

While presidentialism has been relatively successful in the United States, the country's ideological homogeneity, moderate politics, two-party system, and the historic willingness of its parties to cross the aisle in congressional voting helped underwrite success. However, as Linz points out, in Latin America we face a distinct political context, and the region's more common multi-party systems create a completely different political dynamic. All of these features combined, and the reality that presidentialism lacks the institutional exits provided by parliamentarism (and principally the vote of no confidence), make presidential systems more prone to military intervention given their lack of institutional mechanisms to solve problems of executive–legislative deadlock.

Subsequent country and theoretical studies confirmed many of Linz's contentions. Valenzuela underscored presidentialism's contribution to the dramatic breakdown of democracy in Chile in 1973 (Valenzuela 1994, 91–150). Indeed, Valenzuela established Chile as the virtual poster child for the problems of presidentialism given how executive–legislative deadlock during the administration of socialist Salvador Allende, coupled with the inability of the congress to impeach him, precipitated the violent military intervention of 1973 and initiated a brutal seventeen-year dictatorship. Hartlyn went on to underscore the problems presidentialism caused in Colombia, and Lamounier recommended a shift to parliamentarism in Brazil (Hartlyn 1994, 220–53, 179–219).

Mainwaring echoed Linz's argument, and provided further theoretical backing for it, stressing the problematic combination of multi-partism and presidentialism. He underscored the tendency of this combination to result in immobilizing executive–legislative deadlock, which can destabilize democracy (Mainwaring 1993, 198–228). He adds that polarization of politics is more likely in multi-party presidential systems than where two parties are the norm.

This is the case primarily because in multi-party systems presidents are less likely to be able to rely on majorities of their own parties. Finally, this combination for Mainwaring provides disincentives for the type of coalition building that can facilitate democratic governability. Similarly, Stepan and Skach argued that parliamentarism was superior because it better generates policy-making majorities, facilitates cross-party deals in the context of multi-party systems, provides fewer incentives for executives to violate the constitutions, allows for the easier removal of unsuccessful executives, and provides career paths which better contribute to the type of long-term party and government careers which can facilitate governability (Stepan and Skach 1994, 119–36). By the mid-1990s presidentialism had quite a sullied image.

Is Presidentialism Really that Perilous?

These works quickly generated a flurry of critiques. Shugart and Carey underscored that a simple dichotomy between presidential and parliamentary systems fails to capture the many ways to structure executive and legislative relations, and that certain types of presidential systems might be more likely than others to produce the types of problems of democratic governability identified by Linz and his followers (Shugart and Carey 1992). In particular, they suggest that the question may not be the simple existence of one or another system, but whether presidential systems are properly crafted. They contend that presidentialism can function well as long as several aspects of its design are taken into account. Presidential systems that resist providing excessive legislative powers to presidents may prove more stable if coupled with other elements of institutional design, like an election system that encourages fair representation of all parties and produces incentives for the formation of pre-electoral coalitions. Properly crafted presidentialism, they contend, provides numerous benefits when compared to parliamentarism, including greater accountability, identifiability, mutual checks on authority, and the existence of a natural and well-positioned arbiter that can strike bargains and facilitate compromise.

Mainwaring and Shugart echo and build upon many of the arguments set out by Shugart and Carey (Mainwaring and Shugart 1997). They argue that the variations within presidential systems may be more important than the distinction between parliamentary and presidential systems. In particular, they argue that presidential power, the nature of the party system, party discipline and the format of the election system can have an important effect on the potential for success of presidentialism. Somewhat counterintuitively, Mainwaring and Shugart find that presidents with weaker power over legislation may actually tend to function better, because the president is forced to deal, negotiate, and reach compromises with the legislature. In addition, they stress that the party makeup of the legislature is extraordinarily important in determining whether the perils associated with presidentialism emerge. While majority support of a president's own party in the legislature may be optimal, it is not necessary. Rather what is important is whether the president can rely on a sizable legislative

contingent within the context where relatively disciplined parties can craft agreements and coalitions. With respect to the election system and the timing and sequencing of elections, any measures that can be taken to ensure that presidents will be able to rely on such legislative contingents are, in the view of Mainwaring and Shugart, desirable.

Because presidentialism can perform better where sizable and disciplined majorities reign, scholars turned to the obvious question of how such majorities could be encouraged. Jones argues that electoral rules have an important effect on the nature of legislative majorities, and that majority runoff presidential elections have a spillover effect on the party system, encouraging fragmentation (Jones 1995). This is the case because, in lowering the hurdle for victory in the first round of the election, such systems encourage the proliferation of presidential aspirants. In addition, two-round elections often eliminate the benefits of concurrent legislative and presidential elections. Presidents chosen in the second round face a legislature elected in the first round—so second-round presidents will be unable to rely on the usual correlation of party forces between the president and congress that congruent elections are valued for producing. In essence, then, these types of systems tend to produce presidents without majority mandates. Jones argues that a full-scale switch from presidentialism to parliamentarism is unrealistic, and that presidentialism can provide some concrete benefits. He suggests that creative design of electoral institutions can ameliorate many of the problematic aspects of presidentialism identified by its critics. Jones considers plurality elections for president combined with concurrent legislative elections as such an institutional formula.

Linz and his followers revitalized the study of democratic institutions in Latin America by underscoring the institutional elements that may contribute to democratic breakdown or underwrite successful democratic governance. While open to accusations of overstating the case, critics of presidentialism succeeded in bringing analysis of institutions back into the picture at the very time institutional approaches were regaining traction in the social sciences.[2] These studies were accompanied by a rebirth in interest in the institutional makeup of newly democratic regimes, and scholars increasingly viewed Latin America's presidential democracies as useful laboratories for the study of federalism, electoral systems, executive power, political parties, and party systems. However influential the argument was in reinvigorating the study of institutions, it had little practical effect in inciting fundamental regime change. Despite recommendations for a widespread shift toward parliamentarism, no government (with the exception of Brazil, whose 1993 plebiscite on the question of regime structure yielded a resounding desire to maintain presidentialism) has seriously considered the adoption of a parliamentary system. Practical realities limit such a switch. Though presidentialism was copied from the United States, the weight of tradition has induced Latin Americans to identify it as a system that conforms to their political culture. In addition, most Latin American publics (and the US public for that matter) fail to understand the basic differences between the two types of regimes. The most significant reality that advocates of a switch to

presidentialism ignored was that politicians are simply loath to change the political structures that bring them to power. Indeed, it makes no sense for them to do so.

Why Does Presidentialism Work and How Can Successful Presidentialism be Built?

While the formal aspects of executive–legislative relations had been well accounted for in the literature by proponents of Linz's arguments and its critics, there remained gaps in our understanding of the inter-branch equation. What is more, cases that played very prominently in the debate as the poster children for the ills of presidentialism actually turned out to function quite well after returning to democracy (Brazil, and especially Chile). Because a widespread shift to parliamentarism was unlikely, analysts turned their attention to two interrelated tasks. The first was to explain why, in the light of such damning arguments to the contrary, presidentialism sometimes worked so well. The second was to account for ways that successful presidentialism could be built.

To answer these two questions, four new elements were introduced into analysis of the executive–legislative equation. First, analysts began to consider the possibility that successfully managing inter-branch relations likely had much more to do with the nature of the legislature than had been supposed. Second, scholars increasingly abandoned the underlying assumption that the branches of government were locked in a power struggle. Increasingly they analyzed when presidents and legislatures choose to forgo the exertion of their full range of powers, exert powers other than those set out explicitly in the constitution, or choose not to exert power at all. Third, they recognized the potential for building coalitions, principally through the crafting of multi-party cabinets. Finally, scholars shifted away from a primary focus on the formal constitutional and partisan powers of each branch of government to recognize the importance of informal institutions in affecting the conduct and quality of executive–legislative relations.

The Legislature as a Player

Responses to Linz's critique of presidentialism professed to be about executive–legislative relations. However, the executive still ended up playing the starring role, and there was little analysis of the powers and influences of legislative branches, beyond references to the necessity of malleable legislative majorities for presidents. Even before Linz's critique, legislatures in Latin America were usually depicted as, at best, rubber stamps, and, at worst, obstructionist bodies. Numerous studies emerged attesting to the myriad ways that legislatures are influential in the policy process.[3] The frequent depiction of legislatures as simple rubber stamps was often due to a misunderstanding of the more subtle ways they influence politics. The country studies in Morgenstern and Nacif's collected volume showed that legislative influence is often exerted through

informal channels, through the bureaucracy, or by way of strategic agenda setting (Morgenstern and Nacif 2002). Legislatures can also compel executives to withdraw proposals if they are not expected to pass, in the process exercising substantial influence and leaving little trace of it.

Similarly, Cox and Morgenstern demonstrate that presidential and legislative power oscillate, and that, rather than being locked in a zero sum power struggle, each branch adjusts its strategy to meet the strategy of the other. That is to say, presidents decide which prerogatives to use, or not use, depending on what type of legislature they face and the extent of their political powers (Cox and Morgenstern 2002). Cox and Morgenstern note that when presidents are politically weaker (in partisan terms) they tend to resort more to the assertion of unitary powers (those that can change policy without the influence of the legislature, i.e. decrees, regulatory changes, and vetoes), while when politically stronger they rely less often on these powers. However, in this equation, legislatures are clearly influential, and have more of an effect on the success of presidentialism than had been supposed.

A Zero Sum Game

In the Linzian tradition presidents and legislatures were often depicted in a zero sum power struggle with each branch maximally exerting its prerogatives to thwart the power of the other. However, the decision to employ or not employ presidential power is sometimes counterintuitive and can affect the prospects for success of presidentialism. With a clear, disciplined, and decisive majority presidents may be tempted to bypass congress and rely on party discipline to simply initiate executive policy with little input from congress. Alternatively, with an intransigent opposition in both houses presidents may be tempted to use the full powers granted by the constitution (or exceed them). This may include ample use of powers of exclusive introduction, decree, and urgency provisions. In this sense, in both conditions of partisan strength and partisan weakness, presidents may act unilaterally with little concern for the legislature. Congress may, indeed, seem powerless in both of these situations.

However, where presidents lack a partisan majority, the decision on how far to push executive power is more complex. The paradoxical reality is that a divided (though not intransigent) congress may provide the president with a strong incentive to avoid the potentially damaging and/or controversial use of the extreme unitary presidential powers, actually providing the legislature with more influence. Presidents who have sizable legislative contingents can often best achieve their goals through negotiation, cajoling, convincing, and accommodating the opposition, rather than imperiously imposing their constitutionally vested authority (Mainwaring and Shugart 2002).

With respect to the strategic exercise of power, it is also important to note that, at times, presidents strategically choose not to exercise power. It is theoretically as important to understand the decision not to assert power as it is to understand the excessive assertion of power. Weldon shows that despite the wide-ranging

formal and partisan powers of Mexican presidents, at least in budgetary matters, they often avoided the imposition of unilateral powers, decree authority, or late presentation of the budget to force fast-track consideration (Weldon 2002, 225–58). This is the case because successive presidents found that, in forgoing such options, the chamber was more likely to pass the budget, pass it more quickly, and less likely to insert pork or particularistic appropriations.

What is more, legislating is an iterated game for presidents who must return to face congress again. Therefore, this negotiated strategy allows presidents to achieve their goals while simultaneously avoiding poisoning the legislative well to which they must return. These realities provide support for Cox and Morgenstern's conclusion that presidential strategies toward the legislature are partially a function of the extent of pro-government support in the legislature, though this is certainly not a linear relationship (Cox and Morgenstern 2002). Jones's and Siavelis's analysis of Argentina and Chile respectively provide additional evidence to support this contention (Jones 1997; Siavelis 2002). Jones shows how Argentine President Carlos Menem succeeded in passing his neo-liberal reform program early in his first term by building on the plurality of support he could rely on in his own PJ (Partido Justicialista) and peeling away some votes from the opposition.[4] Siavelis demonstrates that the first post-authoritarian Chilean presidents avoided controversial use of their many unilateral powers to better build long-term support within their own Concertación coalition and to avoid alienating the opposition in order to legislate—mostly because presidents could rely on a majority in the Chamber of Deputies, but had to build one in the Senate.

Just as presidents sometimes choose not to employ their powers, legislators do the same based on strategic cost-benefit analyses of whether legislating is worth the trouble, or delegation to the executive branch or bureaucracy better serves their interests. So, while presidential strategies of the non-exertion of power usually involve a calculated tradeoff between the use of more or fewer of their formal or unilateral powers, the most common path for legislators is to delegate powers to other institutions. Epstein and O'Halloran argue that legislatures will prefer to make policy where the political benefits they obtain outweigh the costs (Epstein and O'Halloran 1999). Where they do not, legislators will prefer to delegate power to the executive. Though based primarily on US politics, Epstein and O'Halloran's study is relevant to Latin American legislatures with some adjustment, and with an eye to the goals of particular legislators. The important point is that similar cost-benefit analyses govern the decisions of Latin American legislators to delegate their powers or not, albeit within the context of distinct incentive structures.

For example, Samuels analyzes a paradox where legislators acted to curtail their own formal powers, but did so strategically to enhance their ability to promote their own agendas and interests (Samuels 2002, 320, 315–40). When the Brazilian budgetary amendment process was established in the late 1980s, only individual members of congress could submit amendments. However, the plethora of individual amendments, combined with the chaotic process which

resulted, often held up the ultimate approval of the budget, meaning everyone lost. It also spread already thin resources over far too wide a range of particularistic projects, endangering the approval of many. Therefore, in the succeeding decades, legislators acted to curtail their own involvement in the amendment process, and agreed to allow only amendments initiated by members of organized groups, and principally state legislative delegations. Ironically, this curtailment of formal power permitted legislators to more successfully and consistently bring back pork to the state, which, as Samuels notes, is so crucial to building later careers in the states. Thus, the common depiction of a zero sum executive–legislative struggle by Linz and his critics was not empirically borne out.

Coalitions Through Cabinet-building

The centrality of forming and maintaining governments in multiparty parliamentary systems provides strong natural incentives for coalitions and alliance, not least of which is the desire of all involved parties to stay in government. There are fewer incentives for the formation of coalitions in presidential systems, a supposition which was often the rationale for contending that presidential systems produced an incentive structure that was antithetical to cooperation (Mainwaring 1993). However, critics of presidentialism failed to recognize how purposeful efforts of presidents to build coalitions could counteract the negative incentives structures for cooperation created by presidential systems.

Though not as widespread as under parliamentarism, multi-party cabinet governments have been surprisingly common in Latin America (Cheibub, Przeworski, and Saiegh 2004). By assembling multi-party cabinets presidents can build coalitions that are useful both for hammering out cross-party agreements and for insurance that cabinet members will be able to deliver votes from their legislative parties.

The building of such alliances may avert some of the potentially destructive forms of behavior identified by critics of presidentialism and result in the kind of workable legislative majorities that have been deemed so important to its success. Amorim Neto's cross-national study of 106 cabinets from thirteen Latin American countries provides evidence that presidents who eschewed decree powers and relied on normal legislative means to implement their policies consistently laid the groundwork for legislative support through the use of cabinet appointments to instill loyalty (Amorim Neto 2006, 415–40). However, those presidents who more forcefully employed unilateral and/or decree strategies tended to appoint cabinets with less of an eye toward coalitional proportionality and which were more likely to be composed of technocrats and cronies. Membership in a cabinet also implies some access to resources in exchange for support of the government. Morgenstern suggests that this membership conditions the loyalty and unity of legislative agents on which presidents depend for the passage of legislation (Morgenstern 1994). In this sense, presidents can strategically use this tool to overcome their partisan weakness. Of course, the ability of presidents to do so depends on the nature of the party system. Cohesive

agents may be willing to cross ideological lines at the direction of high-level party officials and ministers, or they may be more motivated by ideology and be less willing to offer legislative support in exchange for cabinet posts.

Informal Institutions

Presidents can construct informal institutions and engage in informal activities in order to build legislative coalitions or promote their own agendas and at the same time avoid some of the purported problems of presidentialism. The notion of "informality" has a long trajectory in analyses of Latin American politics. Most often, informality is expressed in terms of the negative consequences of nepotism, patron–client relations, corporatism, and patrimonialism (Hagopian 1993; Hillman 1994; Wiarda and Kline 1996). Lauth notes that these problems are especially disadvantageous in "fledgling democracies" (Lauth 2000: 21–50). Less critical and normative treatments of informal institutions are not as prevalent in the literature. This dim view of informal institutions finds its roots in a general tendency to view politics in the developing world as somehow dysfunctional if they do not conform to the norms of political processes in developed countries. The long trajectory of concepts like clientelism, patrimonialism, and nepotism in the Latin American literature has led to the somewhat indiscriminate lumping together of any form of informal institution along with these more negative ones.

Increasingly informality has been recognized to potentially play a positive role. Helmke and Levitsky's work is the most important contribution to this emerging recognition (Helmke and Levitsky 2006). In particular, they recognize that certain types of informal institutions can be beneficial—albeit, at times, with a cost in terms of representation. However, their work also raised some knotty problems and particularly the difficulty of separating informal institutions from other informal activities (or simple "ways of doing things"). To deal with this problem they differentiate informal institutions from simple informality by contending that informal institutions are "socially shared rules, usually unwritten that are created, communicated, and enforced outside officially sanctioned channels" (Helmke and Levitsky 2006, 5).

Siavelis shows that informal institutions were perhaps more important than formal institutions when it came to the legislative success of presidents and democratic governability in post-authoritarian Chile (Siavelis 2006, 33–55). Presidents oversaw a series of informal institutions which allowed them to govern. For example, in order to hold together multi-party coalitions, Chilean presidents established an informal institution known as the *cuoteo* which provided for the widespread distribution of cabinet seats among members of the governing Concertación coalition. Chilean presidents have distributed cabinet portfolios among the coalition's governing parties in line with a power-sharing formula based on the relative electoral weight of each party. What is more, vice-ministers usually represent different parties than the minister. Despite the lack of formal agreement, this informal institution provided widespread party input

into ministerial decision-making and has provided an incentive for coalition maintenance, which extended into the legislature, and in turn, allowed presidents to successfully govern and pass legislation. Siavelis goes on to analyze a whole range of informal institutions which allowed Chilean presidents to overcome the "difficult combination" of presidentialism and multi-party systems.

Informal institutions can also facilitate presidential use of extra-parliamentary social actors to buttress executive power, authority, and influence in the legislative process. Crisp recounts how, despite the relatively limited formal powers of pre-Chávez Venezuelan presidents, executives were really the most important legislators in the country given their informal powers (Crisp 1997). In particular, Venezuelan presidents used their non-legislative decree powers to create "high-profile commissions" that brought "executive branch authorities and the representatives of interest groups together to study issues of the president's choice" (Crisp 1997, 175). At the policy formation phase, these commissions were often charged with drafting legislation that the president planned to present to congress, which naturally reflected presidents' preferences. Venezuela's hyper-institutionalized parties (Coppedge 1994), rather than acting as a check on the president's legislative power, actually helped solidify it. Venezuelan parties' extreme discipline made the courting of individual legislators futile. In addition, given the importance of simple party voting, the congress had no infrastructure for the development of expertise of deputies, nor a committee structure that would allow legislators to actually study and seriously debate legislation. Party elites simply instructed legislators how to vote (Crisp 1997, 175).

Legislators can also employ informal mechanisms to facilitate intra- and inter-branch legislative cooperation and the success of presidentialism. Mejia Acosta finds that the Ecuadorian public is adverse to the establishment of formal cross-party coalitions based in the legislature, because they are perceived as the product of illicit deal-making (Meija Acosta 1996). Therefore, the construction of informal legislative coalitions shaded from public allows legislators to achieve their goals through vote trading and the acquisition of particularistic pork, while at the same time allowing presidents to build governing coalitions. The enforcement mechanism related to these coalitions defines their status as informal institutions. The threat to "go public" provides a powerful tool to assure compliance. Therefore, in the absence of formal incentives for cooperation other informal institutions may facilitate coalition-building and the success of presidential government.

Thus, in each of these ways many of the problems of presidentialism are ameliorated. Beyond basic regime structure, a number of formal and informal institutions and activities by presidents and legislatures transform the stark incentive structure set down by Linz.

Evaluating Executive–Legislative Relations in Latin America's Presidential Systems: Six Trends

Clearly then, there has been a dramatic evolution in thinking about executive–legislative relations and democracy in Latin America. Much of this theory

developed however, without the empirical referents that long-standing, functioning democratic regimes could provide. However, it has now been thirty years since the wave of democratization began in Latin America, providing sufficient experience to step back and ask how presidential democracy has fared. The record is decidedly mixed. However, though inter-country variation in performance is undeniable, six distinct trends have emerged.

The Marginalization of the Military as an Arbiter in Executive Legislative Conflict

On the positive side, it is undeniable that there has been a transformation in the region's politics. While 37.5 per cent of changes of government in Latin America between 1930 and 1980 took place by way of military coup (or 104 out of 277), from 1980 to 1990 only seven of thirty-seven changes of government took place by way of military intervention, and according to Valenzuela only two "can fairly be described as having an anti-democratic intent" (Valenzuela 2004, 5). Further, these seven coups were confined to Bolivia, Haiti, Guatemala, and Paraguay. In 2000 there were coup attempts in Ecuador, Paraguay, and Peru, and in 2002 there was an attempted coup to unseat President Hugo Chávez in Venezuela. However, despite attempts, no coup has successfully placed a military president in power since the 1976 Argentine coup, and no military leader has come to the presidency in the region by way of a coup (Dominguez 2008). This record represents a decidedly positive shift away from military influence in politics. It also undoubtedly suggests that international unwillingness to accept military governments has provided additional incentives for militaries to stay out of politics. However, it does not suggest that presidentialism is necessarily functioning well.

Successful Governments with Party Backing

It is important also to mention recent strides in governing in Latin America, and the numerous successful presidents who have governed with the backing of traditional parties, or relatively well-institutionalized newer parties. Much was made during the mid-2000s of the leftward trend in Latin American politics, as well as the triumph of anti-system presidents. Unfortunately analysts and news reports presented the standard lists of such victories lumping together very different types of presidents. However, such lumping together of disparate presidents and candidates is very deceiving. Though all are leftists, only a few represent anti-system or anti-party candidates. Moderate leftists who worked within the party system and with broad party backing include Chile's Bachelet, Argentina's Kirchner, Brazil's Lula, and Uruguay's Vazquez. These presidents differ markedly from those presidents and candidates who were more populist, nationalist, and anti-system leaders (Venezuela's Chávez, Bolivia's Morales, Nicaragua's Ortega, Peru's Humala, and Mexico's López Obrador).

It is among the former that one finds hope in Latin America's presidential systems. Though varying month by month and from policy to policy, the popularity of these presidents and/or the coalitions they represent has been

relatively high, and each has been able to build the kind of legislative coalitions that have been able to fend off the usual problems association with presidentialism. What is more, if we look beyond the left, those presidents who have been victorious as representatives of traditional parties or parties of the right also have proved successful (the most dramatic being conservative Colombian president Alvaro Uribe).

Increasing Use of Presidential Impeachments

While the instances of military coups or attempted coups have decreased dramatically across the continent, impeachments have become more common. Impeachment proceedings or presidential resignations under threat of impeachment occurred in Brazil in 1992, in Venezuela in 1993, in Ecuador in 1997, in Paraguay in 1999, and in Peru in 2000. This trend can be interpreted in two ways. On the one hand, an increasing number of impeachments may point to a disturbing trend of ineffective presidentialism, where impeachments have simply displaced coups as the new model of regime change, and legislatures have assumed the "role previously exercised by the army" (Huneeus, Berríos, and Cordero 2006, 405). In line with this view, the end of the Cold War and the international repudiation of military involvement in politics have prevented a resurgence of the old-style form of military regime change, but the underlying political processes remain essentially dysfunctional. On the other hand, impeachments can be interpreted in a more positive light. In a region where institutions and legality are purportedly flouted, at the very least problematic presidents are called to heel and replaced through institutional rather than extra-institutional means. The trend also challenges previous assertions that legislatures were simply rubber stamps, incapable of holding presidents accountable (Pérez-Liñán 2007).

Interrupted Presidencies

Others who are less sanguine that presidential democracy has turned a significant corner contend that, despite the relative absence of overt military influence in politics, presidentialism remains a significant stumbling block to successful democratization. What is clear is that that tendency for presidential systems to produce inter-branch conflict has not been significantly ameliorated with the return to democracy. Though there have been no dramatic coups of the type that brought governments down in Argentina and Chile in the 1970s, Valenzuela argues that the negative characteristics of presidentialism continue to manifest themselves (Valenzuela 2004). He argues that fourteen presidential administrations have collapsed between 1985 and 2004, through early removal by impeachment or forced resignation, while a fifteenth (Peruvian President Alberto Fujimori) shuttered the legislature, abruptly interrupting the country's constitutional order. For Valenzuela these "interrupted presidencies" confirm his very early concurrence with Linz that the basic problem with Latin American presidentialism is the regime structure itself. He dismisses subsequent critics of his and other Linzian arguments as having somehow missed the point by

focusing on factors that may facilitate the functioning of presidentialism in discrete circumstances, but do not alter its fundamentally negative incentive structure. For Valenzuela, presidentialism remains at the center of all that is wrong with democracy in Latin America.

Low-quality and Anti-party Presidencies

The negativity of other analysts grows less from the regime type in particular and rests more with the generally low quality of democracy in the region. In the mid-1990s Guillermo O'Donnell's argument concerning the sources of this low-quality democracy in the region gained wide currency (O'Donnell 1994, 55–69). O'Donnell contended that a new type of democracy had emerged in Latin America, which he called "delegative democracy." In this form of democracy, the style of presidential rule rests "on the premise that whoever wins election to the presidency is thereby entitled to govern as he or she sees fit, constrained only by the hard facts of existing power relations and by a constitutionally limited term of office" (O'Donnell 1994, 59). O'Donnell's argument concerning the causes of delegative democracy was not tied directly to regime structure in the tradition of Linz and Valenzuela. Rather he notes the problem grew out of three interrelated tendencies: the absence of effective horizontal accountability (that is to say, oversight from Congress, the courts or other powerful high-level governmental institutions); a politically isolated form of technocratic decision-making; and a pattern of evolution from omnipotent to almost powerless presidents as presidential terms wore on.

O'Donnell's argument proved problematic on a number of counts. While O'Donnell traced the roots of delegative democracy to a lack of mechanisms of horizontal accountability, there was a tacit suggestion that the governed public was somehow to blame for the emergence of such systems. This assumption proved wrong, both in the frequent assertion of legislative power aimed at presidential impeachment and in the power of social movements and mobilizations which were often tied directly to precipitating impeachment (see Pérez-Liñán 2007).

Despite uncertainty as to the causes, the issue of the quality of presidents remains problematic. Recent presidential elections in Latin America reveal a trend toward the election and candidacy of anti-party politicians and outsiders with, often, widespread citizen support (at least initially). What is more, some anti-party presidents have sidestepped or violated commonly accepted democratic practices. The leader of the 1992 coup attempt in Venezuela, Hugo Chávez, was elected president in 1998 and has moved to consolidate his authority by questionably democratic means. Peruvian president Alberto Fujimori came to power lacking ties with any established parties and parlayed initial popularity into an *autogolpe* (or self-coup) to reinforce his own power, and to successfully win presidency in 1995 and again in 2000. Bolivian president Evo Morales rode a wave of discontent and protest to successfully wage an anti-party presidential campaign and assume the presidency in 2006 as head of a loose

confederation of coca farmers known as the *cocaleros*. While the party vehicle created by Morales to support his candidacy has gained seats with each election, its orientation consistently challenges the power of traditional parties. Ollanta Humala's victory in the first round of the 2006 Peruvian presidential election represented another challenge to traditional parties.

Despite a generalized rise in anti-party sentiment across the region, it is especially intense in these countries. In addition, while some dispute remains with respect to whether parties provide the best vehicle to represent popular social movements, it is undeniable that parties remain essential instruments to structure representative democracies. What is more, outsiders who come to the presidency without party backing are likely to face difficulties in governing because they lack the party base in the legislature around which they can build the working party majorities identified as crucial to the success of presidentialism. Finally, the anti-party orientation of these leaders, in turn, further encourages their anti-system orientation, threatening commonly accepted democratic practices.

Conclusion: Presidents, Legislatures and Democracy in Latin America

Latin America remains the continent of presidentialism and it is unlikely that the political will for significant regime transformation exists. It is clear that some of the system's structural characteristics have created serious problems of governability across the region, and, in some cases, have contributed to regime breakdown. However, in other cases presidential systems have prospered and presidents have been successful in building what seem unlikely coalitions for success. What is more, many crises have been tied to legislative–executive conflict, while many have not. In this sense, the record of presidentialism in Latin America is decidedly mixed, as have been efforts to successfully tie regime structure to patterns of instability. It is clear that both with regard to the performance of Latin America's presidential democracy and with regard to arguments concerning the perils of presidentialism, successful design is crucial to assuring that presidentialism performs well. It is also clear that theoretical and governing success is also tied to variables not directly related to regime type, like election systems, the extent of presidential and legislative powers, and the timing and sequencing of elections. The task for theorists remains to further explore what makes presidentialism either functional or dysfunctional, and the task for reformers and politicians is to adjust these findings to national realities in disparate political systems to design presidential systems that can work.

Notes

1 Although Shugart and Carey's study predates that of Linz with respect to publication date, it is a response to Linz whose essay was in extensive circulation in the late 1980s and early 1990s.

2 For a review of the so-called new institutional literature see Koeble (1995).
3 For useful reviews of the state of the study of Latin American legislatures see Jones (1992) and Crisp and Botero (1994).
4 While Menem technically had a majority of PJ legislators during his first term, a few of those formally on PJ lists actually belonged to other parties and Menem lost a few of his own party's legislators as a result of the neo-liberal content of his economic reforms. These relations also deteriorated quickly with Menem's increasing reliance on questionably constitutional decree power. See Corrales (2002).

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8 Feminism in Latin America

Equity, Justice, and Survival

Sheila Amin Gutiérrez de Piñeres

> When women thrive, all of society benefits, and succeeding generations are given a better start in life.
>
> United Nations 2005, 108

Introduction

> Unlike the feminist movement in Europe and the United States, the feminist campaign in this region revolved around development, social equity and poverty. (Montaño and Nieves Rico 2007, 26)

Gender equality and empowerment of women have been shown to be central to economic, social, and political development. "Study after study has shown that there is no effective development strategy in which women do not play a central role. When women are fully involved, the benefits can be seen immediately: families are healthier and better fed; their income, savings, and reinvestment go up. And what is true of families is also true of communities and, in the long run, of whole countries" (United Nations 2005, 108). In fact, the empowerment of women in development is valued so highly that the United Nations includes this as the third of the United Nations Millennium Development Goals (http://www.un.org/millenniumgoals/#). Gender equality is a means by which to reduce "poverty, hunger, and disease and to stimulate development that is truly sustainable" (United Nations 2005, 107). This chapter examines progress toward gender equality and empowerment in Latin America.

Feminism in Latin American centers on three major issues: parity in politics to have a voice in governance, economic freedom to alleviate poverty, and freedom from violence, including access to health care. The women's agenda has manifested itself in terms of political suffrage measured by parity in political positions; opportunity and equal pay in the workplace as measured by economic variables; and an end to the tolerance of domestic and sexual violence as measured by legislation and access to health care. This chapter will discuss these to illustrate the progress or lack thereof. In this chapter, violence against women is examined as a component of inequality that is addressed through legislation and access to health care. The issues will be presented with historical and regional

perspective. Finally, policy prescriptions for moving the agenda forward will be presented.

History

In 1990, Violeta Barrios de Chamorro (Nicaragua, 1990–7) was the first elected female president by popular vote in Latin America. She was followed by Mireya Moscoso Rodriguez (Panama, 1999–2004), Michelle Bachelet (Chile, 2006 to present) and Cristina Fernandez de Kirchner (Argentina, 2007 to present). However, only Bachelet does not have a spouse who was a significant public figure. Violeta Barrios de Chamorro is the widow of journalist Pedro Joaquin Charrorro, leader of non-Sandinista opposition; Mireya Moscosco is the wife of a former Panamanian president, Arnulfo Arias; Cristina Fernandez de Kirchner is the wife of former Argentinan president Nestor Kirchner (Llanos and Sample 2008). Although each of these women is qualified in her own right, it is important that all women regardless of initial social status have the opportunity to meaningfully participate in the political process. In light of this, obstacles to increased political participation must also be addressed.

Political participation is vital to reaching the goals of equality because it is through legislation and the ability to address social policy agendas that legal barriers and lack of access to social services can be eliminated. While women's suffrage in Latin America is discussed, as is the general history of feminist agenda, the focus is on actual participation by women in the political and legislative process. The right to vote is not enough; it is also important that women participate in all aspects of governance, including those traditionally considered the domain of men such as the economy and defense. The time period examined centers on pre and post quotas since it can be shown that it has been the introduction of quotas that has facilitated participation by women.

Latin America had many women's movements in the twentieth century. Marcela Rios Tobar (2003, 129) presents a detailed account of the feminist movements in Chile, examining both periods of suffrage (1930s–50s) and a time of political liberalization (1970s–80s). Montaño and Nieves Rico (2007, 21) illustrate the role of the women's movement in gaining suffrage (such as the Salvadoran Adela Barrios feminist club of the late nineteenth century), pursuing revolutionary agendas (Salvadoran resistance to Melendez-Quinones regime in the early twentieth century), or resisting dictatorship (as in the efforts against Costa Rican dictator Federico Tinoco in the 1920s). During the authoritarian regimes of the 1960s, 1970s, and 1980s the women's movement was "associated within the broader concerns of citizenship, rights, and democracy" (Waylen 2003, 161). A number of studies provide accounts of country-level movements by women during periods of political opening (see Richards 2003; Horton 2007). Philip Oxhorn (2001) provides a historical account of the Abuelas movement in Argentina and female participation in Mexico. Campos Carr (1990) discusses how feminism varies across Latin America and the Caribbean, specifically covering movements in Nicaragua, Guatemala, Peru, Chile, and

Mexico. Women's mobilization also played prominent roles in promoting political openings in the recent third wave of democratization, including the Argentine Madres de Plaza de Mayo and the Chilean AFDD. These women protested the military regimes and demanded the return of their disappeared relatives. Rios Tobar (2003, 130) examined the first feminist contemporary Chilean group, Circlo de Estudios de la Mujer, founded in 1977, which mobilized to end gender discrimination and oppression. The women's movements of the 1970s and 1980s were grassroots and instrumental in the transition to democracy (Jiménez Polanco 2001, 2, in Llanos and Sample 2008). These nascent movements also benefited from the attention of NGOs that aimed to empower women in the 1970s and 1980s (Schild 2000, 26). Similarly, Josefina Stubbs (2000) discusses the intersection of women's organizations, development agencies, and non-governmental agencies and how they have moved the women's agenda forward. Other economic groups also emerged, including soup kitchens and other communal organizations to provide services such as daycare. Additionally, other women's groups worked to promote equality (Waylen 2003, 161). Fitzsimmons (2000, 217) states that "women activists mobilized against patriarchy and authoritarianism during the 1980s in Latin America and gained significant strength and numbers in the process." The *Women's International Network News* (Survey of Women's Organizations 1996) reviews women's groups in Latin America and is a good survey of the various groups and their focus. Authoritarian regimes provided a general backdrop from which women's issues could be addressed in the context of larger issues of freedom.

With democracy came freedom in theory but in the case of women it did not necessarily become a reality. Lievesley points out that "formal democratization has not been friendly to women and that, perversely, the military regimes of Peru and Chile may have offered more opportunities and stimuli for women to organize politically than ensuing civilian regimes" (Lievesley 1996, 49). Even today, as pointed out by Holmes (Chapter 2, this volume), Chile lags behind other South American countries in the gender equality measure. Jane Jaquette (1994) further states that "the advent of democracy has not proved to be the entirely new way of doing politics that many feminists had hoped. Hierarchies, personalism, and masculine institutions remain" (quoted in Fitzsimmons 2000, 220). However, women are adapting and changing the context. Maruja Barrig (2001, 31) articulates that "the advances of women in the legal field may have resulted in a shift in the arena of struggle, from demonstrations and other pressure in the streets in the 1980s to negotiations in parliament and government ministries in the 1990s." In addition to access to political power, economic and cultural issues continue to perpetuate gender inequality.

Political Participation

Women's suffrage was an international movement not just limited to Latin America. The first stage of the women's movement centered on gaining suffrage

and the right to hold elected office. In Latin America the women's suffrage began in 1929 in Ecuador, with restrictions, and ended in Ecuador in 1967, when restrictions were lifted. All other countries fall in between. Table 8.1 shows at what date women gained the right to vote and stand for election in Latin America. To place this in perspective, in 1906 Finland granted women the right to vote and stand for election and in 2005 women in Kuwait were granted these rights. However, democracy involves access to power and not just the right to vote. Initially, women were incorporated into the political process in an isolated manner "that corresponded to personal experiences of political and social leadership and not with the incorporation of women as a collective force or representative body in the political system" (Del Campo 2005, 1699). The question then became how to achieve parity in political representation.

Table 8.1 National legislation adopted in Latin America and the Caribbean for right to vote, quota laws, and laws to combat violence against women

Argentina	Year women granted suffrage— 1947
	Quota laws enacted in 1991 and amended in 1993
	Law 24,417 on protection against family violence (1994)
	Law 25,087 amending the Penal Code (1999)
Bolivia	Year women granted suffrage— 1952
	Quota laws enacted in 1997 and amended in 2004
	Law 1674 on family and domestic violence (1995)
	Law 1678 amending the Penal Code in matters relating to sexual offences (1997)
Brazil	Year women granted suffrage— 1932
	Quota laws enacted in 1995 and amended in 1997
	Legislative Decree 107, giving legal force to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, Belém do Pará (1995)
Chile	Year women granted suffrage— 1949
	Law 19,325 on family violence (1995)
	Law 19,617 amending the Penal Code in matters relating to sexual offences (1999)
Colombia	Year women granted suffrage— 1954
	Quota laws enacted in 1999 and declared unconstitutional in 2001
	Law 294 to prevent, remedy and punish family violence (1996)
	Law 360 on offences against sexual freedom and human dignity (1997)
	Law 575 partly amending Law 294 (2000)
Costa Rica	Year women granted suffrage— 1949
	Quota laws enacted in 1996 and amended in 1999
	Law 7586 on domestic violence (1996)
Dominican Republic	Year women granted suffrage— 1942
	Quota laws enacted in 1997 and amended in 2000
	Law 24–97 on family violence, defining the offenses of domestic violence, sexual harassment and incest
Ecuador	Year women granted suffrage— 1967
	Quota laws enacted in 1997 and amended in 2000

	Law 103 on violence against women and the family (1995)
	Law reforming the basic law on the judiciary (1997)
	Law 106 reforming the Penal Code in matters relating to sexual offences (1998)
El Salvador	Year women granted suffrage— 1939
	Decree-Law 902 on family violence (1997)
Guatemala	Year women granted suffrage— 1946
	Decree-Law 97–96 to prevent, punish and eradicate family violence
Honduras	Year women granted suffrage— 1955
	Quota laws enacted in 2000
	Law for the prevention, punishment and eradication of violence against women (1997)
Mexico	Year women granted suffrage— 1953
	Quota laws enacted in 1996 and amended in 2002
	Law on addressing and preventing family violence (1997)
Nicaragua	Year women granted suffrage— 1955
	Law creating the Women's and Children's Police Service, included in the legislation establishing the National Police Service (1996)
	Law 230 recognizing psychological abuse as an offence (1996)
Panama	Year women granted suffrage— 1946
	Quota laws enacted in 1997
	Law 27 on offences of family violence and child abuse (1995)
Paraguay	Year women granted suffrage— 1961
	Quota laws enacted in 1996
	Law 1600 on domestic violence against women (2000)
Peru	Year women granted suffrage— 1955
	Quota laws enacted in 1997 and amended in 2001
	Law 26,260 establishing the policy of the State and society on family violence (1993)
	Law 26,763 establishing mechanisms to provide greater protection for victims (1997)
	Law 26,788 reforming the Penal Code by incorporating, as an aggravating circumstance, the existence of a family relationship between the aggressor and the victim (1997)
	Law 26,770 reforming the Penal Code, establishing that marriage does not vitiate grounds for the prosecution of crimes against sexual freedom (1997)
	Adoption of the Regulations of the Single Text of Law 26,260
	Law 27,115 providing for public criminal prosecution of offences against sexual freedom (1999)
	Law 27,306 amending the Single Text of Law 26,260 (2000)
Uruguay	Year women granted suffrage— 1932
	Law 16,707 on public safety, adding a new article to the Penal Code (art. 321 bis) defining domestic violence and establishing penalties (1995)
Venezuela	Year women granted suffrage— 1946
	Quota laws enacted in 1997 and declared unconstitutional in 2000
	Law on violence against women and the family (1998)

Source: Alméras (2004, 18); Montaño (2007, 30); and http://www.ipu.org/wmn-e/suffrage.htm.

Latin America followed the European example of the late 1980s in enacting quotas to help achieve parity in representation. In the 1990s, gender equality demands led to the adoption of quotas. "Quotas aim to level the playing field for women, establishing minimum levels for their participation, either by setting aside positions on candidate lists or by reserving positions for women" (Llanos and Sample 2008, 27). Del Campo (June 2005, 1707) outlines the two types of quota allocation strategies in Latin America: within parties and national allocation. Quotas are an affirmative action tool used to reach parity representation. Parity representation is a concept that transcends women speaking only for women such that women "represent the whole of the population just as men do and can likewise be conduits for the wider interest in all forms" (Montaño and Nieves Rico 2007, 19). Table 8.1 illustrates the timeline of when quotas were enacted in Latin America and the general increase in the election of women. Table 8.2 reveals that the percentage of women in national parliament in Latin America has been increasing since quotas and is greater than the world and upper income averages (see also Escobar-Lemmon and Taylor-Robinson 2005). The percentage of seats held by women in national parliament has increased in the region since quotas were enacted (see Table 8.3). While women in national parliament have increased throughout the region, the percentage increase is greater in countries with quotas. Participation of women at the local levels is greater than at the national level (Table 8.4). Del Campo (2005, 1717) states: "in studies made during the nineties, a greater participation of women in the local level is evident" than at national level. This is a result of the fact that local level politics has more to do with everyday life and is less demanding than regional or national level participation. Participation of women in local politics far exceeds that at the national and regional level and the trend is increasing at all levels. While parity has still not been achieved, progress has definitively occurred with a positive trend. Montaño and Nieves Rico (2007, 38) conclude: "Quota laws are a successful strategy for increasing and stabilizing

Table 8.2 Proportion of seats held by women in national parliament (%)

	High income	*Latin America and Caribbean*	*Upper middle income*	*World*
1990	11.8	12.1	11.9	12.5
1997	16.1	12.9	11.1	12.1
1998	17.1	13.4	11.1	11.8
1999	18.1	16.1	11.8	13.4
2000	18.6	15.4	12.2	13.6
2001	19.4	15.4	12.2	14.3
2002	19.7	15.9	13.8	14.7
2003	20.1	17.9	14.4	15.2
2004	20.1	18.8	15.0	15.1
2005	21.4	18.7	13.6	16.3
2006	21.8	–	–	17.0

Source: World Development Indicators.

Table 8.3 Seats held by women in national parliament (%)

	2006	*2000*	*1997*	*1990*	*Year quota*
Argentina	35.0	28.0	25.3	6.3	1991
Bolivia	16.9	11.5	6.9	9.2	1997
Brazil	8.6	5.7	6.6	5.3	1995
Chile	15.0	10.8	7.5		
Colombia	12.1	11.8	11.7	4.5	1999
Costa Rica	35.1	19.3	15.8	10.5	1996
Dominican Republic	17.3	16.1	11.7	7.5	1997
Ecuador	16.0	17.4		4.5	1997
El Salvador	10.7	16.7	10.7	11.7	
Guatemala	8.2	7.1	12.5	7.0	
Honduras	23.4	9.4	7.8	10.2	2000
Nicaragua	20.7	9.7	10.8	14.8	
Panama	16.7		9.7	7.5	1997
Paraguay	10.0	2.5	2.5	5.6	1996
Peru	18.3	10.8	10.8	5.6	1997
Uruguay	11.1	12.1	7.1	6.1	
Venezuela	18.0	12.1	5.9	10.0	1997

Source: http://www.devinfo.info/mdginfo2007/.

women's numbers in parliament and have generated a critical mass of women that can make headway toward parity." Going further, Escobar-Lemmon and Taylor-Robinson (2005, 841) examine the prevalence of women cabinet members. Female cabinet members are more common in Colombia, Chile, Guatemala, Venezuela, Honduras, and Nicaragua.

Leslie Schwindt-Bayer (2006) finds that women's and men's issues have merged and there is no consistent finding of women's issues or men's issues. Women are just as likely to place the economy at the same level as education and health. Yet, even with quotas, parity has not been achieved at the national level. Obstacles to parity in political representation need to be examined. Del Campo (2005, 1706) states: "political parties constitute one of the most important barriers for women to access formalized political power, and even though women have tended to be active at the entry level of political party participation, very rarely do they exceed 25 per cent of the marginal positions of parties." In addition to political parties, "difficulties in obtaining financing for their campaigns, limited media coverage, and effects of a political culture that is still unfavorable to women" are barriers to the progress toward equity. Lack of enforcement and sanctions limit the effectiveness of quota laws. Finally, poverty also limits the ability to run for office (Llanos and Sample 2005, 12, 38). Del Campo (2005, 1719) presents a set of difficulties that women face:

- bottle-necks making access to positions of party leadership and candidacies for representative positions more difficult
- problems of influence in the superior ranks

Table 8.4 Women in government (%)

	Lower houses of Congress		*Ministers*	*Unicameral or lower houses of Congress*	*Upper houses of Congress*	*Regional office*	*Local office*	
	Before quota	*After quota*					*Mayors*	*Council women*
Argentina	6.0	38.3	25.0	38.3	38.9	4.1	8.5	
Bolivia	11.0	16.9	31.3	16.9	3.7		4.6	19.0
Brazil	7.0	8.8	14.3	8.8	12.3	11.1	7.5	12.6
Chile			36.4	15.0	5.3		12.1	26.8
Colombia			23.1	8.4	11.8	3.2	9.0	14.5
Costa Rica	14.0	36.8	37.5	36.8			9.9	47.6
Dominican Republic	12.0	19.7	17.6	19.7	3.1		11.3	26.9
Ecuador	4.0	26.0	32.0	26.0		18.0	6.0	23.0
Honduras	9.4	23.4	25.0	23.4			8.1	20.4
Mexico	17.0	22.6	20.0	22.6	17.2	3.1	3.0	27.6
Panama	8.0	15.3	21.4	15.3			9.3	
Paraguay	3.0	10.0	10.0	10.0	8.9	5.9	5.7	20.6
Peru	11.0	29.2	26.7	29.2			2.8	27.8

Source: Llanos (2008).

Regional office includes regional governors/prefects/presidents. Local office includes mayors and council women. All data with exception of "before quota" are from 2007.

- problems in the interior of institutions, where they always find themselves to be "in a gender minority and as a minority in party politics" (Arboleda 1993, 41)
- less influence in mass media
- significant limitations that come with institutional difficulties, where a dominant instrumental rationality controlled by men rules and makes difficult women's institutional practice
- important limitations from their own families and the rampant machismo that exists in the culture.

The underlying challenges women face in the political process are structural and will require a concerted effort by society as a whole before parity is reached. Given the success of quota laws, "it is apparent that affirmative action policies are needed" (Montaño and Nieves Rico 2007, 51). Policies limited to politics will not be sufficient to reach parity as economic and physical autonomy are also necessary to achieve gender equality.

Parity in Education and Economic Freedom

Labor market equity is about the workplace and unpaid work in the home; reproduction and production; and property rights. Unpaid care work "falls mainly upon the shoulders of women, thus preventing them from acceding to better positions in the labour market and affecting their participation in decision-making" (Montaño and Nieves Rico 2007, 7). Unpaid care work is also tied to culture and the patriarchal Latin American structure. The dilemma is between production and reproduction in many cases (Campos Carr 1990, 451). Additionally, often the work environment is less favorable to women. For example, many women endure mandatory pregnancy tests or work in conditions that are less favorable than those "guaranteed" by law (Schild 2000, 27). In another example, many job descriptions include gender and age requirements. Frequently, applicants must include a picture. Additionally, property rights are important to women's empowerment. "Family and culture influence how inheritance is structured; the state has reinforced inequality by (formally or informally) privileging men in state programs; agrarian reforms, counter reforms, and land markets tend to be skewed toward male buyers" (Richards 2003, 167–8). In this section we analyze changes in key economic variables to review the progress of women over time.

The United Nations has chosen 2005 as the target to eliminate gender disparities in primary and secondary education and 2015 for all levels (http://www.un.org/millenniumgoals/#). Education is a key variable because it "is not only a right and an end in itself, but also a prerequisite for reducing the various kinds of inequality observed in the countries of the region" (United Nations 2005, 110). The following measures are used to gauge the levels of disparity: ratio of girls to boys in primary, secondary, and tertiary education; ratio of literate women to men, 15–24 years old; share of women in wage employment

in the non-agricultural sector; and proportion of seats held by women in national parliaments (United Nations 2005, 107). In this chapter, progress made by women is examined in terms of education, income, and political participation over time toward eliminating disparities rather than by just reviewing differences in levels of disparities between men and women.

Underlying success in the workplace is access to an education. "Education is not only a right and an end in itself, but also a prerequisite for reducing the various kinds of inequality observed in the countries of the region" (United Nations 2005, 110). Education of women is a highly effective development strategy that reduces poverty, increases productivity, lowers women's fertility, and gives children a more promising future (United Nations 2005, 117). An examination of female to male education reveals that females are making progress both across time and in comparison to other regions, in some but not all types of education (see Table 8.5). From the 1990s to the mid-2000s, the gender parity index for primary school enrollment and secondary enrollment declined in most Latin American countries, while increasing for tertiary enrollment. The gender parity index measures the ratio of females to males at each level of

Table 8.5 Female education (ratio of female to male enrollment)

	High income	*Latin America and Caribbean*	*Upper middle income*	*World*
Primary				
1999	100.70	96.87	96.43	92.05
2000	99.22	96.81	96.39	92.17
2001	99.65	97.16	96.75	92.50
2002	99.90	97.18	96.85	92.49
2003	99.73	97.14	96.90	94.23
2004	98.66	96.45	96.41	94.09
2005	99.28	96.37	96.43	94.57
Secondary				
1999	99.56	107.23	103.54	91.39
2000	100.77	106.84	103.53	92.14
2001	100.88	106.84	103.02	92.19
2002	100.15	106.85	103.07	92.72
2003	100.63	108.28	103.25	93.78
2004	100.57	107.88	103.30	94.07
2005	100.36	107.80	103.92	94.22
Tertiary				
1999	112.49	112.32	118.80	96.18
2000	112.68	113.75	119.62	95.59
2001	113.48	112.72	119.84	96.40
2002	116.57	115.70	122.66	98.03
2003	118.22	117.18	123.44	102.63
2004	120.00	117.34	123.15	102.68
2005	121.09	117.33	123.51	105.29

Source: World Development Indicators.

education (see Table 8.6). In terms of literacy rates, females are on par with men. Compared to other regions, in primary education Latin America is showing a downward trend in the 2000s while other regions are increasing. Secondary education parity rates are stationary across all regions. High-income countries surpassed Latin America even though Latin America showed a slight upward trend in tertiary education parity rates (see Table 8.5).

Interestingly, in secondary and tertiary education, the female to male enrollment is greater than 100. Education data reveal that female to male parity indices are greater than one but this is not translating into economic or political parity. A ITUC recent report "finds that women are often educated equally high as men, or to a higher level. Higher education of women does not necessarily lead to a smaller pay gap, however, and in some cases the gap actually increases with the level of education obtained" (Chubb et al. 2008, 10). ITUC also reports wide and significant pay gaps in countries such as Colombia, El Salvador, and Paraguay, but only small differentials in Costa Rica or Mexico. "The positive gender pay gap calculated for Costa Rica is partly explained by a large informal economy where earnings for women have not been captured in the official statistics" (Chubb et al. 2008, 14). Montaño and Nieves Rico (2007, 1) find that "women's labour income is equivalent to 70 per cent of that of men" in the region. Future research should examine areas which women choose

Table 8.6 Gender parity index

	Primary level enrollment			*Secondary level enrollment*			*Tertiary level enrollment*		
	1991	*2000*	*2004–5*	*1991*	*2000*	*2004–5*	*1991*	*2000*	*2004–5*
Argentina		1.00	0.99		1.07	1.07		1.55	1.41
Bolivia	0.92	0.99	1.00		0.96				
Brazil		0.94	0.93		1.10	1.10	1.11	1.30	1.32
Chile	0.98	0.98	0.95	1.07	1.02	1.01		0.92	0.95
Colombia	1.02	1.00	0.98	1.19	1.10	1.11	1.06	1.09	1.09
Costa Rica	0.99	0.98	0.99	1.06	1.09	1.06		1.20	1.26
Dominican Republic	1.01	0.97	0.95		1.25	1.21			1.64
Ecuador	0.99	0.99	1.00		1.02	1.00			
El Salvador	1.01	0.95	0.96	1.22	0.99	1.03		1.21	1.23
Guatemala	0.87	0.89	0.92		0.88	0.91			
Honduras	1.04	1.02	1.00	1.25		1.24	0.81	1.32	1.46
Mexico	0.97	0.98	0.98	1.00	1.03	1.07	0.74	0.93	0.99
Nicaragua	1.06	1.01	0.97	1.22	1.18	1.15	0.97		
Panama		0.97	0.97		1.06	1.07		1.69	1.63
Paraguay	0.97	0.96	0.97	1.06	1.03			1.36	1.34
Peru	0.97	0.99	1.00	0.94	0.93	1.01			1.03
Uruguay	0.99	0.98			1.14			1.84	2.04
Venezuela	1.03	0.98	0.98	1.38	1.20	1.13		1.46	1.08

Source: UN MDG database.

or are encouraged to study, informal markets, and part-time vs. full-time employment to determine if these factors have a negative long-term impact on wage and income parity.

Over the last twenty-six years, Latin America has seen a dramatic increase in women entering the labor force in addition to an increase in the labor force participation rate of women (Figures 8.1 and 8.2). The data presented are a comparison between Latin America and the other regions in the world to reveal changes in time. Latin America has seen an improvement in all areas revealing the economic progress made by women. Both women entering the labor force and their participation rate were substantially lower in 1980 but have risen to levels comparable to the rest of the world in the last twenty-six years.

The movement of women into the labor force corresponds to a decline in the crude birth rate (Figure 8.3). A decline in responsibilities at home facilitates entry into the labor force. Unemployment in females has increased over the years but this is not unexpected as more women have entered the labor force (Table 8.7). The share of women in non-agricultural industries has been increasing and is approaching that of upper middle income countries (see Table 8.8). A closer examination by country reveals that since 1990 progress has been slow (see Table 8.6). Since the 1990s, only Argentina and Uruguay have seen double-digit movement of women into the non-agricultural labor force. This is important because non-agricultural jobs tend to be part of the formal economy and are afforded protection by the state. Therefore, "although the gaps between female and male participation rates and employment ratios are narrowing in Latin America & the Caribbean and there is a relatively equal

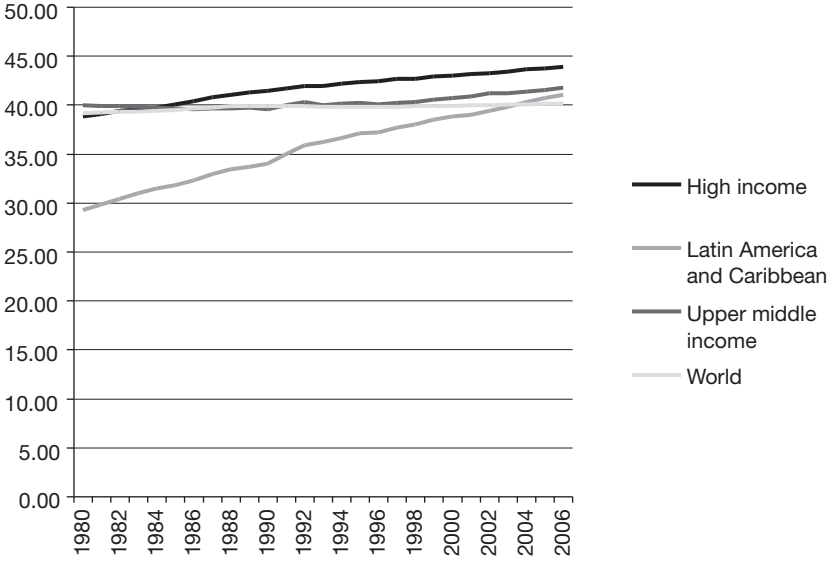

Figure 8.1 Labor force, female (% of total labor force).

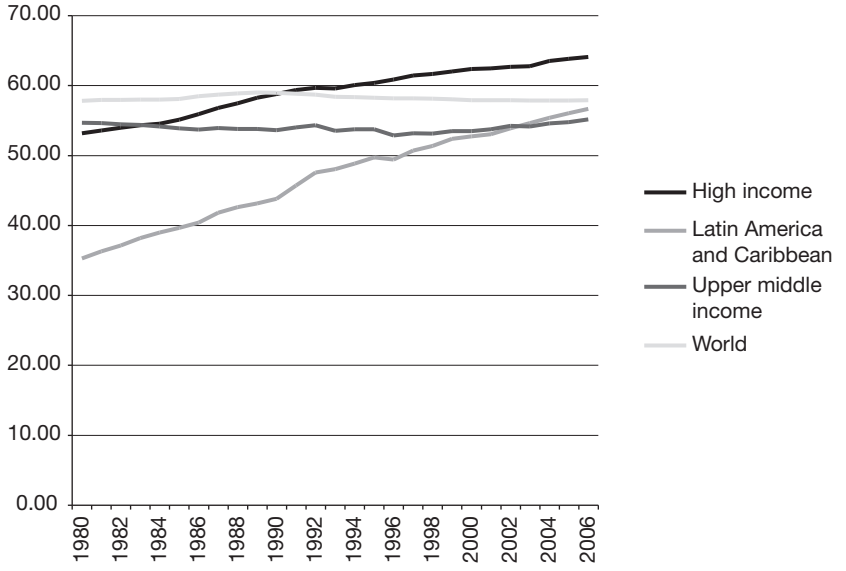

Figure 8.2 Labor force participation rate, female (% of female population ages 15–64).

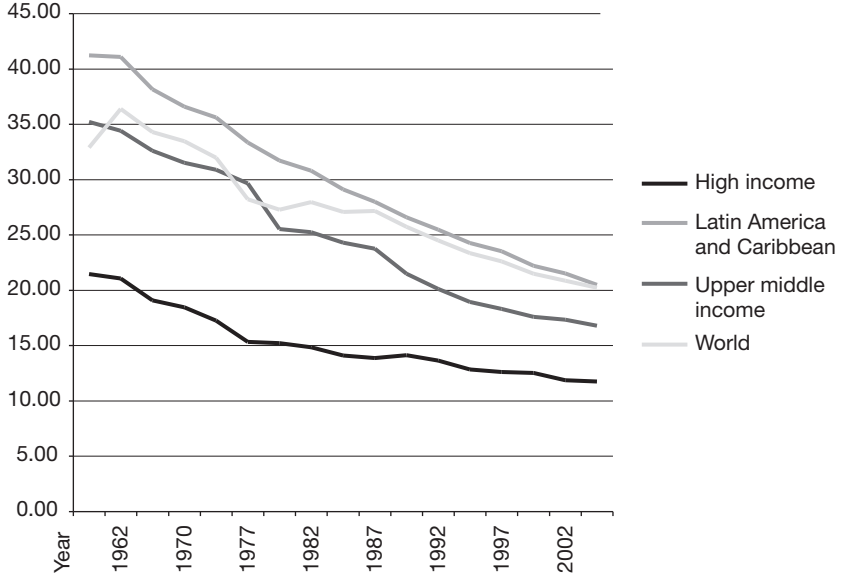

Figure 8.3 Birth rate, crude (per 1000 people).

Table 8.7 Female unemployment

Year	*Unemployment, female (% of female labor force)*			*Unemployment, youth female (% of female labor force ages 15–24)*		
	High income	*Latin America and Caribbean*	*Upper middle income*	*High income*	*Latin America and Caribbean*	*Upper middle income*
1985	8.47			17.87		
1986	8.32			17.46		
1987	8.12	6.78		16.87		
1988	7.60	6.21		15.63		
1989	7.18	6.45		14.54		
1990	6.98	6.69		14.36		
1991	7.35			14.27		
1992	7.89	8.39	7.04	15.02	13.81	13.84
1993	8.12	8.41		15.77	15.24	
1994	8.09		10.37	15.76		
1995	7.81	9.21	10.03	15.91	14.87	16.68
1996	7.77	10.19	10.34	15.94	18.66	18.52
1997	7.59	10.29	11.06	15.67	18.35	
1998	7.48	11.06	11.65	15.17	19.71	21.37
1999	7.10	11.98	11.89	14.54	20.43	21.88
2000	6.52		11.02	13.04		
2001	6.32	11.58	11.55	12.54	18.58	
2002	6.71	11.86	11.77	13.13	18.14	24.05
2003	6.83	12.05	11.45	13.49	20.95	25.86
2004	6.68			13.44	20.26	
2005				12.18		

Source: World Development Indicators.

distribution in terms of employment status, the high female unemployment rates and the large number of women with vulnerable jobs in low-productivity services remain as indications of an unstable future for women's economic prospects" (ILO 2008, 13).

Personal Freedom

> The Declaration on the Elimination of Violence against Women defines violence against women as any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life. (United Nations 2005)

The general welfare of women in Latin America is improving. Life expectancy of women (see Figure 8.5) has increased from 58.10 years in 1960 to 75.73 years

Table 8.8 Share of women in wage employment in the non-agricultural sector (%)

	2005	*2000*	*1995*	*1990*
Argentina	45.1	42.6	39.9	
Bolivia		35.8	35.9	
Brazil		40.3	38.5	
Chile	37.9	36.9	36.2	36.2
Colombia		48.8	44.9	
Costa Rica	39.6	39.3	36.7	37.2
Dominican Republic	38.3	38.6	36.7	
El Salvador		34.7	30.9	32.3
Guatemala		37.5		36.8
Honduras	45.3		44.6	48.1
Nicaragua				41.1
Panama	43.4	43.0	42.7	
Paraguay				41.0
Peru	37.5	33.3		
Uruguay	48.0	46.4	45.2	43.1
Venezuela		39.8	36.7	35.2

Source: UN MDG database.

in 2005. Adolescent fertility, births per thousand women ages 15–19, fell from 85.94 in 1997 to 76.70 in 2006. However, the regional average remains relatively high (see Figure 8.6). The crude birth rate has been cut in half since 1960 in Latin America. However, given that this is also the case in high and upper income countries, a gap remains. Crude birth rates in Latin America are also falling rapidly but still remain the highest of all regions presented (see Figure 8.3). Declining fertility should be an indicator of control over reproductive choices. The large differential between Latin America and the rest of the world raises questions as to whether this is truly the case. In fact, access to modern contraception is low and ranges from a low of 35 per cent in Bolivia to a high of 70 per cent in Costa Rica (see Table 8.9). Inability to access contraception limits a woman's ability to control her fertility and, consequently, aspects of her economic future and health.

Issues of reproductive health include more than just access to contraceptives. Shaw (2006, 208) reveals that "Reproductive health problems comprise the leading cause of death and disability for women the world over." The percentage of births attended by skilled health attendants ranges from a low of 41 per cent in Honduras to 99 per cent in Chile and Uruguay (see Table 8.10). Maternal mortality ratios, deaths per hundred thousand live births, range from a high of 420 in Bolivia to a low of 27 in Uruguay. A majority of countries remain in the range of 100 to 250 (see Table 8.11). Almost three-quarters of maternal deaths could be prevented with improved access to health care (Shaw 2006, 213). Cook and Ngwena (2006, 216–17) find that "the law simultaneously acts as a barrier to women's access to services and as a tool to ensure that women have effective access to health services." Gender equality movements must address

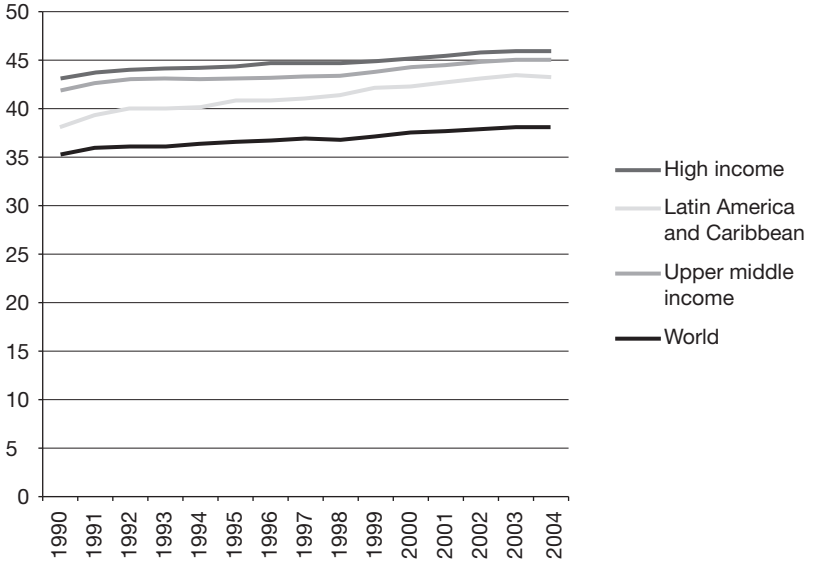

Figure 8.4 Women employed in the non-agricultural sector (% of total non-agricultural employment).

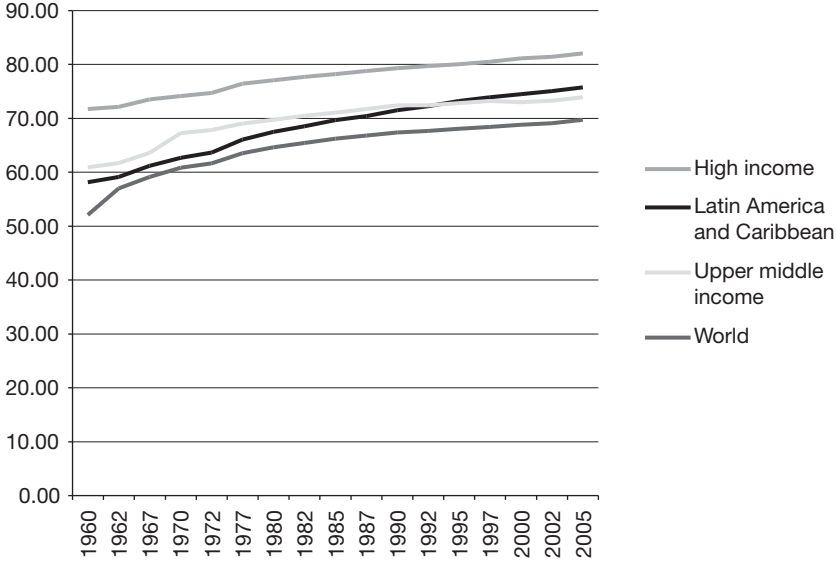

Figure 8.5 Life expectancy at birth, female (years).

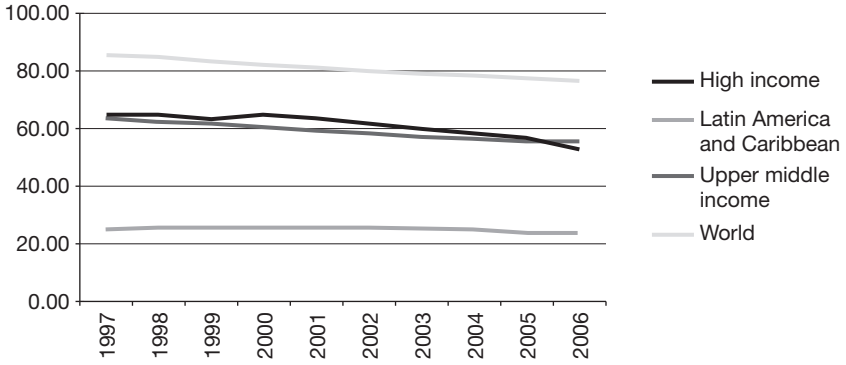

Figure 8.6 Adolescent fertility rate (births per 1000 women ages 15–19).

Table 8.9 Contraceptive prevalence rate—modern methods (% of females 15–49 years)

	2001–2005	*1998–2000*	*1993–1996*
Bolivia	34.9	27.3	17.7
Brazil			70.3
Colombia	68.2	64.0	59.3
Costa Rica		70.7	64.6
Dominican Republic	65.8	62.5	59.2
El Salvador	61.0	54.1	48.4
Guatemala	34.4	30.9	26.9
Honduras	50.8		41.0
Nicaragua	66.1	57.4	49.9
Paraguay	60.5	47.7	41.3
Peru	46.7	50.4	41.3
Venezuela			61.7

Source: UN MDG database.

reproductive health issues if progress is to be made. These fundamental issues affect the ability of women to flourish in economic and political areas, in addition to basic health.

Beyond access to basic and adequate health care and methods to reduce maternal mortality, violence against women must not be tolerated. Violence creates an impenetrable barrier to progress. It affects self-esteem and is a mechanism by which victims are subjugated so as to negatively affect their ability to escape poverty (United Nations 2005). The Pan American Health Organization finds that "incidence of violence is high regardless of educational level" and "that one out of every three women in the Americas is a victim of violence" (United Nations 2005, 132). Violence is a result of the unequal power distribution, whether in the public or the private area, and an obstacle to the empowerment of women.

Table 8.10 Births attended by skilled health personnel (%), 2000–5

Argentina	98.7
Bolivia	66.8
Brazil	96.7
Chile	99.8
Colombia	96.4
Costa Rica	98.5
Dominican Republic	98.7
El Salvador	92.4
Guatemala	41.4
Honduras	55.7
Nicaragua	66.9
Panama	92.5
Paraguay	77.1
Peru	73.4
Uruguay	99.6
Venezuela	95.0

Source: UNMDG database—the data are reported sporadically so the values are for any given year between 2000 and 2005.

Table 8.11 Maternal mortality ratio (deaths per 100,000 live births)

	2000	*1995*	*1990*
Argentina	82	85	100
Bolivia	420	550	650
Brazil	260	260	220
Chile	31	33	65
Colombia	130	120	100
Costa Rica	43	35	55
Dominican Republic	150	110	110
El Salvador	150	180	300
Guatemala	240	270	200
Honduras	110	220	220
Nicaragua	230	250	160
Panama	160	100	55
Paraguay	170	170	160
Peru	410	240	280
Uruguay	27	50	85
Venezuela	96	43	120

Source: UN MDG database.

Violence against women is another key element in the agenda to eliminate discrimination. In 1994, the United Nations General Assembly recognized "the urgent need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity and dignity of all human beings" in both the public and private spheres through the Declaration on the

Elimination of Violence against Women (http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.RES.48.104.En). In the Millennium Development Goals the United Nations goes one step further by stating that "gender-based violence, which stems from the perceived social inferiority of women, makes it impossible for women to build their capacities and exercise their rights. Women who suffer such violence cannot escape from poverty, as they are subjected to degrading relationships that undermine their standing in both the private and the public spheres, thereby making them vehicles for the intergenerational transmission of poverty" (United Nations 2005, 132). Shaw (2006, 211) summarizes: "gender-based violence is the most prevalent and socially tolerated form of gender inequality." In this chapter, legislation to address violence against women and reproductive rights is examined.

During the military regimes, women were subjected to violence of many different forms: physical, sexual, torture, removal of children, forced prostitution, and involuntary sterilization (MADRE 2006). The women's movement in Latin America was one of the strongest in its fight to end violence against women. Latin America was the first region to have all countries ratify the Convention on the Elimination of All Forms of Discrimination Against Women. The region also embraced the Convention for the Prevention, Punishment and Eradication of Violence Against Women. This was a radical change from before 1990, when the region had minimal legislation against domestic violence. By 2000, every country had new laws in place (MADRE 2006). Fourteen countries ratified the Optional Protocol to CEDAW (the Convention on the Elimination of All Forms of Discrimination against Women), allowing women to complain to the United Nations if rights are not addressed in domestic courts. The U.N. Committee on the Elimination of Discrimination against Women can also be empowered to investigate violations of women's rights (Human Rights Watch 2006). See Table 8.1 for a more complete listing of legislation passed by country (Alméras et al. 2004).

Yet, there is more to be done as the mere existence of legislation does not guarantee that enforcement occurs. Creel (2001) and Human Rights Watch (2006) report that crimes against women in most cases are misdemeanors; women are subjected to harassment by police; there is a reluctance of judges to take action; and general fear of reprisal makes enforcement of laws of violence against women not universal. Doraid (2007) states in a United Nations speech, "In many countries in Latin America, for example, parliamentarians have worked with national and local authorities to set up Women's Courts and women's police stations, or establish one-stop service centres, often in hospitals or other health care facilities, to bring law enforcement, legal assistance, health care and skills training together for survivors and their families." This stresses the importance of women in legislative positions to facilitate and advocate for gender equality.

Conclusion

Progress toward gender equality is not uniform. Political participation has been aided by quotas and parity agendas set forth by parties and in executive branches of government, such as Chile. Yet, there is room for progress as women represent on average 50 per cent of the electorate but not 50 per cent of the representatives. A number of factors limit the ability of women to serve including family responsibilities. Unpaid work obligations make it difficult for women not only to enter the paid workforce but also to take the time to run and serve for office. Despite this, women parliamentarians in Latin America have been instrumental in the passage of legislation to protect women and the move to gain enforcement.

The economic gender gap continues to exist. More women have entered the labor force and their participation rate has risen but so has their unemployment rate. The economies of Latin America will have to grow if they are to absorb the growing population and the added increase of female participants. The patriarchal society of Latin America makes the competitive entry of women into the labor force difficult. In a competitive market, firms should hire the most qualified but, if that reduces to a choice between the genders, culture tends to choose the outcome. On the border of Mexico in Cuidad Juarez, for example, "at the outset, women represented about 80 per cent of the assembly-line workers. By the early twenty-first century, the percentage of women in the maquiladora workforce diminished, but it is still more than half. In the 40 years of industrial production on the border, gender anxieties, threats and some male backlash have emerged in response to women's greater earning power, however modest, in the formal workplace" (Staudt and Campbell 2008, 18). It is also the patriarchal culture that looks the other way when it comes to violence against women. "Violence is usually seen as a negative. Yet, many societies see conflict as the 'normal' state of affairs in human life and focus on trying to prevent it from getting out of hand" (Hita and Gledhill 2008, 23). Since culture is difficult to change, it will be through increased female representation in the executive, legislative, and judicial branches of government at the national, regional, and local levels that will eventually lead to sustainable change and gender equality. The cycle is complex as economic freedom is necessary to support political participation, and success in both is based on personal freedom. Latin America has made much progress in the last fifty years and continues to move in the direction of sustainable policies toward progress in achieving gender equality.

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9 New Politics, New Parties?[1]

Roberto Espíndola

Elections in Latin America keep showing that the region retains its capacity to surprise observers, as well as a potential to generate expectations. The election in 2002 of a trade union leader as Brazilian President was followed by the perhaps equally unexpected election of a relatively unknown former left-wing politician from Patagonia as President of Argentina in 2003 and by that of Tabaré Vásquez in 2004, in the first center-left victory since Uruguay's return to democracy in the mid-1980s. What appeared to be a regional shift to the left was confirmed by the failure of the Venezuelan opposition to recall President Hugo Chávez at the 2004 referendum, allowing him to cement a close alliance with the Cuban government and to stand in defiance of Washington within the region. The trend then appeared to continue with the election of Michelle Bachelet as President of Chile and Evo Morales as President of Bolivia: respectively, an agnostic, divorced, single mother, former victim of torture under the military, stemming from the most militant wing of the Socialist Party, and an Amerindian leader, former head of the coca farmers' movement and also a militant leftist, both equally unorthodox. That was followed by Chávez's re-election and by the victories of Rafael Correa in Ecuador, the Sandinista leader Daniel Ortega in Nicaragua and more recently of Alvaro Colom in Guatemala.

Although those leaders are identified as being on the left of the political spectrum, there is no evidence of an ideological consensus amongst them. Their electoral success is not surprising given the candidates' redistributive policies in a region that has been affected by a massive pauperization of middle-income sectors and increasing levels of inequality (Table 9.1). This new left seems to concur on a rejection of the neo-liberal prescriptions derived from the Washington Consensus, but little else beyond that. The social democratic policies of the center-left administrations in Argentina, Brazil, Chile, and Uruguay, whilst emphasizing social expenditure, do not differ from their predecessors' acceptance of the neo-liberal export model. That model has not been fundamentally challenged within the region, although the administrations of Bolivia and Venezuela seem oriented toward a return to the developmental state approach.

There have been, though, elements of change as well as those of continuity. What is different amongst new leaders elected since 2002 is not their ideological standpoint but the fact that most of them do not come from the political elite;

Table 9.1 Democracy, poverty and inequality in Latin America

	Democracy index[1]	*Poverty (% with income of < US$2)*[2]	*Gini index of inequality*[3]
Costa Rica	8.04	9.8	49.8
Uruguay	7.96	5.7	44.9
Chile	7.89	5.6	54.9
Brazil	7.38	21.2	57.0
Panama	7.35	18.0	56.1
Mexico	6.67	11.6	46.1
Argentina	6.63	17.4	51.3
Colombia	6.40	17.8	58.6
Honduras	6.25	35.7	53.8
El Salvador	6.22	40.6	52.4
Paraguay	6.16	29.8	58.4
Peru	6.11	30.6	52.0
Guatemala	6.07	31.9	55.1
Bolivia	5.98	42.2	60.1
Nicaragua	5.68	79.9	43.1
Ecuador	5.64	40.8	53.6
Venezuela	5.42	40.1	48.2

1 Source: *Economist Intelligence Unit Index of Democracy* (2007). Based on five categories: free and fair election process, civil liberties, functioning of government, political participation, and political culture. Sweden scored a total of 9.88 on the scale of ten, which was the highest result,

2 Proportion of the population living on less than US$2 a day. Data refer to the most recent year available during 1990–2005. Source: *Human Development Report 2007/08*, UNDP.

3 A value of 0 represents absolute equality, and a value of 100 absolute inequality. Source: *Human Development Report 2007/08*, UNDP.

most of them are "outsiders" reflecting the influence of political forces not controlled by that elite. Bolivia's Morales is not the first Latin American president from an Amerindian ethnic background, just as Chile's Bachelet is not Latin America's first female president;[2] what makes them different is the fact that they come from outside the elite that has ruled their societies.

The element of continuity is provided by political parties that remain essential anchors of democratic consolidation and main channels of political participation, as shown by the fact that the Latin American societies with lowest levels of poverty are also those with well-established and relatively stable political parties (Table 9.1). Those countries with levels of poverty below 20 or 25 per cent (Chile, Uruguay, Costa Rica, below 10 per cent; Mexico, Argentina, Colombia, Panama, below 20 per cent; and Brazil at 21.2 per cent) are also those where established political parties retain the central role in the political system, as well as registering the highest scores within the *Economist*'s index of democracy.[3]

Further demonstration of the importance of political parties can be found in the fact that, even when "outsiders" have been elected, these non-elite leaders are closely linked to a party and achieved victory under that party's banners: Lula da Silva is a former trade union leader who heads Brazil's Partido dos Trabalhadores (PT), Kirchner went underground during Argentina's military

dictatorship as an activist in the Partido Justicialista (Peronists or PJ), as did Bachelet, who has been a member of Chile's Partido Socialista (PS) since her student days; Vásquez has led Uruguay's Frente Amplio (FA) since 1996, after being elected FA's first mayor of Montevideo in 1990. Even Morales, unrelated to the traditional parties of Bolivia, transformed in 1997 an ethnicity-based movement into the party Movimiento al Socialismo (MAS) he now leads. Something similar could be said about Nicaragua's Frente Sandinista de Liberación Nacional (FSLN), which after sixteen years in opposition and several splits has become an established Social Democratic party. In that sense, Ecuador and Guatemala are the exception with the accession to government of new political movements, Alliance PAIS (Patria Altiva y Soberana) and National Union of Hope (Unión Nacional de la Esperanza—UNE), respectively.

What is new, however, is not whether or not these elected leaders come from outside the existing—even traditional, in some cases—political parties; the new element is that those parties are being led by, and are putting forward as candidates, politicians from outside the political elite. To some extent that is not all that new elsewhere, outside Latin America. For instance, in the US changes affecting political parties—such as those identified by Panebianco (1988)—have led to the emergence of candidates from outside the traditional, national elite; relatively unknown state governors—e.g. Carter, Reagan, Clinton—have become US presidents in processes heavily influenced by the media (Patterson 1994) and other non-party actors. A similar situation can now be observed in Latin America, with non-party actors successfully supporting "outsiders."

This chapter seeks to explore the influence of some of those new non-party actors, within the context of societies where parties have become affected—and in some cases weakened—by electoralist tendencies and by a professionalization of electoral politics. It aims to explore that role, focusing in particular in the one played by the media and media groups, churches and religious interest groups, and ethnicity-related movements.

The Return to Democracy and "New" Party Politics

For the first time in history practically all Latin American societies are ruled by democratically elected governments, as a result of processes that have given an increased salience to both electoral participation and party politics. That salience has been enhanced by the emergence of relatively new phenomena such as electoralist parties and ethnicity-based parties, alongside the personalistic, charismatic groups that characterized Latin America's twentieth-century politics.

In most cases the transition from authoritarian regimes has concluded and democratic governance is becoming consolidated within the region as authoritarian legacies or enclaves have been largely eliminated. That has led to significant changes for political parties, particularly as economic crises in the early 1980s leading to the adoption of export-centered models, as well as the end of the Cold War, appeared to have reduced the possibilities of political contestation, understood as the credible opposition of alternative projects.

Without significant differences over their interpretation of external constraints, main parties have re-formulated their programs and presented them, often successfully, to their electorates as the best alternative available. This shift away from the contestation of the 1960s and toward a consensual middle ground meant a change in the terms of inter-party competition. Just as the development model based upon a proactive, intervening state was taken for granted in the 1960s, by the 1990s the predominance of the market was generally accepted by political elites, with just minor differences about the extent to which the state could keep a much reduced role.

In several cases those programmatic changes have taken place without affecting the identity of political parties. With considerable exceptions such as Brazil, Bolivia, Ecuador and Venezuela, most of the main political parties are those already existing in the 1960s, or can be closely related to them. Even in those cases where there has been a major programmatic renewal, that shift has often left the leadership largely unchanged as shown by Mexico's Partido Revolucionario Institucional (PRI) and Peru's APRA.[4] But certainly in terms of their identity, most parties remain largely the same, with their existence—as well as that of new organizations—frequently validated by electoral processes.

Beyond the question of identity, the programmatic changes derived from a convergence upon the prescriptions of the Washington Consensus have led political parties into an ideological cul-de-sac, since those prescriptions have failed to achieve their avowed objectives in terms of growth and development. As Weisbrot et al. (2005) have demonstrated (Table 9.2), under the neo-liberal model prescribed by the Washington Consensus, growth slowed down for all countries, and particularly for the poorer ones. In Latin America not only that applied, but inequality increased from a Gini index of 45.56 in 1960–64, to one of 47.31 in 1995–99 (Nel 2008, 74). That has led Latin America's political parties, and particularly those in the left and center-left, to a strategic dilemma: should they pursue a neo-liberal model that has allowed some reduction in poverty, but has failed to achieve the growth it intended, and, if not, what is the alternative? Furthermore, the process of globalization, with its accompanying international institutions and agreements, has significantly weakened and eroded the role of the national state, reducing the abilities of socialist and social-

Table 9.2 Development state vs. neo-liberal model: percentage of annual growth (countries ranked in per capita income in constant US$, 2000)

	1960–80	*1980–2005*
1st quintile $9,012–43,730	2.6	1.3
2nd quintile $4,086–8,977	3.1	1.3
3rd quintile $2,364–4,031	2.6	1.0
4th quintile $1,238–2,364	2.4	0.7
5th quintile $355–1,225	1.7	1.8[1]

1 The increment disappears if India and China are excluded.

Source: Weisbrot et al. (2005, 2).

democratic governments to act. Hence, the problem is not only the definition of an alternative strategy but also the ability to implement it.

Faced with that dilemma, some social democratic governments have sought to reassert the role of a democratic development state, seeking to enhance socioeconomic as well as political participation through policies giving priority to growth and social expenditure. That could be argued to be the cases of Argentina, Brazil, Chile, Costa Rica, and Uruguay. Others have pursued a policy of strengthening the role of the state as the main agent of development and redistribution, even at the risk of political instability, as in the case of Venezuela.

These difficulties faced by Latin America's parties, the exogenous pressures toward convergence, the weakened role of the national state, and the troubled definition and implementation of strategic alternatives have led to frequent claims about a decline in support for political parties in the region. The most recent have been those related to an alleged decline in the trust in political parties, based on the Latinobarómetro surveys (Semetko 2005, 515), albeit relating to a short period, 1997–2003. However, there is no evidence that higher levels of trust existed before the Latinobarómetro began in the mid-1990s. As Uslaner (2005, 383) has argued, "politics thrives in mistrust," hence we cannot expect political parties to foster trust or social capital. They seek and foster support, sometimes passionately expressed.

Support for political parties is demonstrated by electoral participation, by voting for them and for their candidates, rather than by replies to questions asking about trust with reference to abstract categories. In Latin America, that support is shown by electoral turnouts that remain, on the whole, largely unaltered and far higher than those observed in Europe and the US: with the exception of Colombia, Paraguay, and Venezuela, turnouts exceed 70 per cent of the electorate in the eleven largest countries of the region (Table 9.3). Since Latin American elections are far more polarized than those taking place in

Table 9.3 Latin America: electoral participation and trust in political parties

	Most recent turnout as percentage of electorate	*Trust in political parties**
Argentina	74.1	14.0
Bolivia	84.5	14.0
Brazil	83.3	15.0
Chile	87.1	20.0
Colombia	45.1	18.0
Ecuador	71.2	8.0
Mexico	71.7	24.0
Paraguay	64.2	12.0
Peru	81.4	14.0
Uruguay	89.6	34.0
Venezuela	56.4	36.0

Note: The figures are for those who replied that they had "a lot" or "some" confidence in political parties at the 2007 Latinobarómetro survey.

Europe and the US, and parties still represent a wider range of ideological positions, it could be argued that high levels of electoral participation show high levels of support—and trust—for specific parties and candidates, rather than for all of them.

The two countries showing, according to Latinobarómetro, the highest level of "trust on political parties," Uruguay and Venezuela, are themselves quite different cases. Uruguay has the highest turnout in the region, as well as a stable political system and institutionalized parties; Venezuela, on the other hand, is politically unstable, has one of the lowest turnouts in the region and parties with a low level of institutionalization, but shows a high level of trust in those parties. That illustrates the difficulties posed by the measurement of trust in parties in different political contexts, and how problematic it could be to draw from it any conclusions about support for parties.

That support seems clearly related to the level of contestation. In those instances where there has been a low level of contestation, with a large measure of convergence expressed by the main parties' programs and no major challenges to existing policies, the electorate reacted by engaging in different forms of non-participation, such as non-registration, abstention, or cancelling the ballot, as shown at the 1997 parliamentary elections in Chile and 1999 in Argentina (Espíndola 2002). When programmatic alternatives emerged, even when they are as diffuse as those represented by Lula, Bachelet, Kirchner, and Vásquez, then that results in higher levels of electoral participation.

New Politics, New Parties

The comparative study of political contestation is greatly facilitated by a substantial common ground shared by political formations across Latin America, as the region's political systems have developed within a context of historic, cultural, and even strategic commonalities. Neighboring countries not only stem from a common history but their contemporary political development has been influenced by events across their borders, an influence enhanced by links between parties and even by the periods activists have spent in exile.

On the other hand, for wider comparative purposes one has to settle for a more parsimonious approach. In order to relate the development of parties and non-party actors to that of political formations elsewhere, we must seek the broader commonalities that are the aim of a "most different systems" design. A comparative dimension which offers that commonality is that of organization, developed by Panebianco (1988, 264) as the key difference between mass bureaucratic and electoral-professional models, a distinction that has been usefully synthesized by Gunther and Diamond (2003) in the concepts of thin and thick organizations. This is a particularly helpful distinction to understand the changes that have affected the organization of the more institutionalized parties in Latin America.

Just as mass parties were a dominant feature of Latin American politics in the 1960s and the driving force behind the development state, since the 1980s

electoralist or electoral-professional parties have become the prevailing tendency at the national level. Often they are former mass parties where pragmatists have overcome the ideologists, reflecting the programmatic convergence resulting from the adoption of the neo-liberal model and from the influence of globalization. Besides that, a fundamental difference between mass and electoralist parties, though, is the much thinner organization of the latter; that is, until they face an election, when they hire the professional personnel required in order to campaign.

The possibilities opened up by the return to democracy, and organizational tendencies implicit within US and European technical assistance received as part of that process, help explain why political parties developed professional expertise in areas such as opinion polls and political marketing. Experts formed within parties soon became independent pollsters and consultants, who began to offer their services on commercial terms. But, above everything, a key characteristic of the electoral-professional parties emerging since the 1980s is their reliance on the media, which can be seen as even taking over the intermediary role played until then by political parties, as Patterson (1994) demonstrated in the US case.

The Media

The evidence from Latin America's new democracies would allow a rebuttal of any normative contentions either allocating a "democratic function" to the media or claiming that the qualities of independence *and* pluralism would both necessarily apply to the media in liberal democracies. Independent media have the freedom not to be pluralistic, and attempts to force a search for pluralism may, in some cases, hinder the media's independence.

In most of Latin America's deeply unequal societies, the ownership and control of newspapers and other media reflects the high level of wealth concentration; powerful economic groups include amongst their assets the main newspapers and television and radio stations. During periods of authoritarian rule, those media invariably supported the rulers and benefited in terms of advertising and even state subsidies.[5] The only breach in their power took place during transitional periods when external support for democratic forces assisted and funded alternative media, but, when the democratic process was deemed to have been consolidated, the external funding disappeared and so did those alternative media.

Chile has been a clear case of the contradiction between media independence and pluralism. Two large economic groups, El Mercurio and Copesa, control the main newspapers, dividing a segmented audience amongst its publications, with *El Mercurio* addressing conservative audiences and targeting upper strata and Copesa's *La Tercera* aiming for more liberal sectors and going for middle socioeconomic groups. Since both groups supported the military regime, in 1987 several Christian Democrats—with West European support—founded an alternative daily, *La Epoca*. However, they never managed to get the circulation of seventy thousand copies a day required to make it economically viable.

La Epoca played an important role during the transitional period, but once a democratically elected civilian administration took office in 1990 the situation worsened for the newspaper. The newly elected democratic government had a commitment to pluralism that prevented it from favoring *La Epoca*, as the dictatorship had favored *El Mercurio*. On the contrary, *El Mercurio* and *La Tercera* did well once democracy became firmly established. By 1996 *El Mercurio* controlled 61.6 per cent of all newspaper advertising and *La Tercera* had 14.4 per cent, whilst *La Epoca* received only 1.4 per cent. As external support for *La Epoca* dried up, part of its shares were sold to Copesa and the paper finally closed down in 1996.

The 1999 presidential campaign showed how Chile's two main newspapers were aligned. A content analysis of the four weeks before (Tables 9.4 and 9.5) polling day shows that *El Mercurio*, a broadsheet, maintained a consistently negative coverage of the ruling Concertación's candidate Ricardo Lagos, with a far more favorable coverage of the right's candidate Joaquín Lavín. The tabloid *La Tercera* adopted a different line, starting with a coverage relatively less negative of Lagos in week one (that is to say, four weeks before polling day), arrived at a balanced view on week three, and concluded firmly for Lavín and against Lagos the week before polling day. This is significant since local polls indicated that 20 per cent of voters made their minds up the week prior to the election[6] and that most of them were in the middle to lower strata addressed by *La Tercera*.

Obviously it is nothing new that ownership affects newspapers' editorial line. That, however, does not seem to have affected the course of Chilean politics, since the center-left Concertación has remained in office and won all presidential and parliamentary elections since 1989, despite being unable to count on press

Table 9.4 *El Mercurio*: favorability of campaign coverage, November 12–December 9, 1999

	Week 1	*Week 2*	*Week 3*	*Week 4*
Lagos	–7	–11	–13	–7
Lavín	–3	+5	+3	–1

Note: The orientation of every campaign item is classified as in Patterson (1994, 116–17); discarding neutral items, the table presents the balance of negative and positive items.

Table 9.5 *La Tercera*: favorability of campaign coverage, November 12–December 9, 1999

	Week 1	*Week 2*	*Week 3*	*Week 4*
Lagos	–5	+1	–3	–8
Lavín	–7	–5	–2	+5

Note: The orientation of every campaign item is classified as in Patterson (1994, 116–17); discarding neutral items, the table presents the balance of negative and positive items.

support.[7] The Chilean case is not unique; in the 1980s and 1990s a similar phenomenon could be observed in Costa Rica where the support of all main newspapers for the center-right Partido Unidad Social Cristiana (PUSC) did not prevent a regular alternation in office between PUSC and the center-left Partido Liberación Nacional (PLN). In a larger scale, something similar could be said about Mexico and Brazil, where the Televisa and Globo groups respectively have controlled local media for decades. Whilst Globo, with its *TV Globo* having an average audience of 65 per cent, succeeded in getting Collor elected in 1989, it could not prevent Lula from becoming President in 2002; the same could be argued in the case of Mexico's Televisa group in the light of the victory of the opposition Partido Acción Nacional in 2000, putting an end to seventy-two years of PRI rule.

To some extent the power of newspaper owners in Latin America is limited by the comparatively low circulation of newspapers within the region. Table 9.6 shows that only Venezuela exceeds the average circulation of newspapers in Spain, the EU member state with the lowest level of newspaper readership. Whilst circulation has increased in Spain from 98.73 newspapers per thousand inhabitants in 2000 to 144.48 in 2004, in several Latin American cases the process has been the opposite. For instance, Chile has gone from 98 in 2000 to 50.61 in 2004, with Argentina (from 40.46 to 35.52 over the same period) and Brazil (from 45.89 to 35.55) showing a smaller decline. Those cases, however, correspond to societies where newspapers do not seem to play a crucial role in influencing the population. Tables 9.7 and 9.8 show that Argentines, Brazilians, and Chileans rely more on television than on newspapers for access to the news, but that—whilst trusting any of the media more than politicians—they trust radio above other media. That is a chink in the armor of large media groups, since radio broadcasting is a medium they cannot fully control.

Table 9.6 Newspaper circulation

Country	*Year*	*Number of daily newspapers*	*Average circulation per 1,000 inhabitants*
Argentina	2004	106	35.52
Brazil	2004	532	35.55
Chile	2004	59	50.61
Colombia	2004	23	22.65
Costa Rica	2004	7	64.71
Cuba	2004	2	64.69
Dominican Rep.	2004	11	39.14
Ecuador	2000	36	98.23
El Salvador	2004	5	38.02
Guyana	2000	2	74.79
Mexico	2000	300	92.72
Spain	2004	151	144.48
Suriname	2005	4	80.14
Venezuela	2004	92	147.06

Source: UNESCO (2000–5 databases).

Table 9.7 How many days last week did you read/hear/see the news on the following media? (averages), 2001 and 2004

	Daily newspapers		*Radio*		*Television*	
	2001	*2004*	*2001*	*2004*	*2001*	*2004*
Argentina	3.83	3.15	5.66	5.63	5.28	5.44
Brazil	3.90	3.45	5.45	4.79	5.66	5.15
Colombia	2.68	2.55	5.01	4.26	5.43	4.63
Chile	3.32	3.52	5.40	4.92	5.60	5.35
Mexico	4.08	3.40	4.32	4.58	5.00	4.91
Peru	4.01	3.55	4.89	4.96	5.30	4.74
Uruguay	3.44	2.96	5.92	6.04	5.37	5.83
Venezuela	4.59	3.66	4.72	4.38	5.31	4.73
Latin America	3.86	3.37	5.04	4.88	5.16	4.89

Source: Latinobarómetro (2001 and 2004).

Table 9.8 Trust in Congress and the media: percentages who have "a lot" or "some" confidence, 2001, 2003, and 2004

	Congress		*Television*		*Radio*		*Newspapers*	
	2001	*2004*	*2001*	*2004*	*2001*	*2003*	*2001*	*2004*
Argentina	17	21	40	29	59	45	53	40
Brazil	23	35	39	34	50	50	51	53
Colombia	14	24	51	39	50	41	40	41
Chile	33	30	69	40	69	49	60	40
Mexico	25	23	54	28	50	48	44	42
Peru	23	14	50	33	49	40	39	30
Uruguay	46	30	55	39	66	52	54	39
Venezuela	37	31	53	38	56	33	52	36
Latin America	24	25	49	38	51	41	46	40

Note: The question about radio was not included in the 2004 survey.

Source: Latinobarómetro (2001, 2003, and 2004).

Newspapers, though, play an important role where a pluralistic press has been achieved thanks to rivalries between economic groups leading to duopolistic media markets, as in the case of Argentina (Clarín and Telefónica group), where Latinobarómetro has consistently shown greater trust in newspapers than in television. Recent electoral campaigns have shown the effects of those differences, with support for the main candidates at presidential elections divided between the main newspapers, whilst television was open for each candidate to buy advertising.

But the new element in the role of media groups as non-party actors is not the influence their media may have on voters but the attempts by those groups

directly to enter electoral contests and party politics. The recent presidential election in Chile showed media entrepreneur Sebastián Piñera standing on behalf of one of the two main right-wing parties and forcing Bachelet into a second round. Piñera is the main shareholder of Chilevisión, one of the three main television channels (as well as of Lan-Chile, the national airline, now a multinational with branches in neighboring countries). The Catholic church controls one of the other main channels through the Pontifical Catholic University, and the third one is state-owned and run by a directory with equal representation of government and opposition to ensure pluralism. All that placed the center left at a clear disadvantage with regard to Piñera. Perhaps the most comprehensive example of the influence of media groups and their penetration of party politics is the one of Brazil (Table 9.9), in terms of the connection between elected officials and the ownership of local television stations forming part of the Globo group.

The media obviously play a key role in the electoral campaigning that prevails in Latin America, an influence enhanced by deregulatory processes that have facilitated access to externally based broadcasting. But besides that enhanced intermediary role, what has become distinctive in some large Latin American polities, such as Brazil, Chile, and Mexico, has been the active participation of media group owners in electoral politics, as well as the influence of politicians directly linked to media ownership.

Churches and Religious Groups

The Catholic church has traditionally played an important role in Latin American party politics, supporting or even identifying with specific parties or acting as a powerful lobby in some policy areas. That influence still exists, but became much reduced after the 1970s. The last quarter of the twentieth century, however, saw the emergence of new interest groups particularly associated to fundamentalist churches or sects, such as evangelical churches, or the ultra-conservative Catholic group Opus Dei.

Religion has had a strong influence in the development of Latin America's parties. Mass parties with denominational as well as pluralist characteristics developed in the 1950s and 1960s partly as a consequence of a Social Christian thought that sought to orient Catholics in politics, but largely as part of the Cold War confrontation and Washington's efforts to contain the influence of the left and particularly of Cuba. Those influences led to the rapid emergence of well-funded Christian Democratic parties in most Latin American societies, as was the case of the Partido Demócrata Cristiano (PDC) of Chile, El Salvador, Peru, and Uruguay, Costa Rica's Partido Unidad Social Cristiana (PUSC), the Dominican Republic's Partido Revolucionario Social Cristiano (PRSC), Ecuador's Partido Social Cristiano (PSC) and Venezuela's Partido Social Cristiano (COPEI),[8] most of which remain important political actors. More ephemeral or weaker was the presence of similar parties in Argentina, Brazil, Bolivia, Guatemala, Honduras, and Paraguay.

Table 9.9 Brazil: TV stations owned by Globo Network and political links

State	*TV stations (town)*	*Political clans (political parties)*
Alagoas	TV Gazeta (Maceio)	Fernando Collor de Mello, President 1990–4 (PRN)
Maranhão	TV Mirante (São Luis) TV Mirante (Imperatriz) TV Mirante (Santa Inès)	José Sarney, President 1985–90 (PMDB) Roseanna Sarney, Governor (PFL) José Sarney Filho, Environment Minister (PFL)
Bahia	TV Bahia (Santa Inès) TV Santa Cruz (Itabuna) TV Norte Baiano (Juazeiro) TV Sudoeste (Vitoria da Conquista) TV Subaé (Feira de Santana)	Antonio Carlos Maghalhâes, Former Senator/Governor/ Minister Antonio Carlos Maghalhães Jûnior, Senator
Sergipe	TV Sergipe (Aracaju)	Albano Franco, Governor (PSDB)
Rio Grande do Norte	TV Cabugi (Natal)	Garibaldi Alves Filho, Governor (PMDB) Ana Catarina Lyra Alves, Federal MP (PMDB) Henrique Eduardo Alves, Federal MP (PMDB) Carlos Eduardo Alves, State MP (PMDB)
Pernambuco	TV Asa Branca (Caruaru)	Innocéncio Oliviera, Federal MP (PFL)
Piaui	TV Alvorada do Sul (Floriano)	João Calisto Lobo, Former Senator (PMDB)
Ceara	TV Verdes Mares (Fortaleza)	Edon Queiros Filho, Former Federal MP (PPB)
São Paulo	TV Fronteira Paulista (Presidente Prudente)	Paulo Cesar Oliviera Lima, Federal MP (PMDB)
Rio de Janeiro	TV Rio Sul (Resende)	Ronaldo Cesar Coelho, Former Federal MP (PSDB)

Source: Folha de S. Paulo (August 6, 2001).

Those Christian Democratic groups, however, have now largely abandoned their character as mass denominational parties and adopted catch-all as well as electoralist characteristics. They have adopted the characteristics that Gunther and Diamond (2003) identify as those of programmatic parties, sharing many organizational and strategic characteristics of the catch-all model, but keeping a well-defined commitment to an ideology with value- or faith-related elements, and sometimes even a commitment to specific constituencies such as Catholic voters or middle strata. Those have been the cases of Mexico's Partido Acción

Nacional (PAN), Chile's Unión Democrática Independiente (UDI), and contemporary Christian Democratic parties such as those of Chile and Costa Rica. However, the direct influence previously held by the Catholic church has largely disappeared, since it precluded those parties from reaching non-Catholics, and has been replaced by more informal links, frequently not with the official Church hierarchy but with specific dignitaries or sectors. Thus, in the case of Chile, UDI has links with the ultra-conservative Catholic sect Opus Dei and with those bishops and priests who supported the Pinochet dictatorship, whilst PDC relates mainly to progressive church officials and particularly those involved in human rights organizations.

The Catholic church obviously retains a strong voice on specific policy matters, but its influence as a non-party actor is much diminished. The religious organizations that become influential as new non-party actors are fundamentalist groups that—with the exception of Opus Dei—come from the Protestant tradition, not from the main Protestant churches but from relatively small conservative Evangelical groups or sects. The influence of the latter became noticeable in Central America during the 1980s, when Evangelical fundamentalist groups supported the Ríos Montt dictatorship, as well as General Ríos Montt's subsequent development of the Frente Republicano Guatemalteco (FRG) party.

By now those groups have established themselves across Latin America. To illustrate their influence we could take the case of Brazil, where 13.8 per cent of a population of 188 million has links with Evangelical sects. The Catholic church has 14,000 priests to look after 74 per cent of Brazil's population, whilst the Evangelical sects have 70,000 pastors (US State Department 2007). The situation is similar in other cases, with Evangelical sects estimated to have some 3.6 million followers in Argentina, and up to 15 per cent of the Peruvian population belonging to those groups (ibid.). Evangelicals now constitute a significant religious minority in most of Latin America, reaching 28.2 per cent in El Salvador (ibid.) and 30.7 per cent in Guatemala;[9] in southern parts of Mexico they are estimated to amount to 36 per cent of the population. Although most of those numbers are insufficient to have a major political impact at the national level and their attempts to form political parties in Venezuela and El Salvador were short-lived, they are sufficiently large to play a significant role as pressure groups and at the level of sub-national politics.

Ethnicity-related Movements

Traditionally, ethnic cleavages have not played an explicit part in Latin American electoral politics. The exception had been some former European colonies that became independent in the 1960s and 1970s, particularly Belize, Guyana, Suriname, and Trinidad-Tobago, where ethnic-related parties have developed since the pre-independence period reflecting differences between the Amerindian population and those of African ancestry in the case of Belize, between the latter and large communities of Asian ancestry (or East Indians) in the case of Guyana and Trinidad-Tobago, and between all those groups in Suriname. That does not

mean that such cleavages do not exist: in most of the Andean countries (Bolivia, Colombia, Ecuador, Peru, Venezuela) Amerindian communities are either a majority or a significant minority, reaching an estimated 55 per cent of the population in Bolivia, with substantial majorities of these countries' populations having Amerindian ancestry. A similar situation applies to most of Central America and Mexico. However, until recently electoral and party politics were reserved to a white and light-skinned elite.

However, in the 1990s, ethnic-related movements and groups began to emerge as part of demands for inclusive politics made within democratization processes, as well as in defense of the interests of rural workers who identified themselves as an ethnic community. The one that first made an impact on global audiences was the uprising in 1994 of the Ejército Zapatista de Liberación Nacional (EZLN) in the southern Mexico province of Chiapas. The EZLN, however, did not identify as an ethnic-related movement, but as one defending the interests of Maya peasants. Despite that, its example prompted several movements claiming the representation of Amerindian groups across the region, as far south as the Mapuche Consejo de Todas las Tierras (Council of All the Lands) in Chile.

Since the mid-1990s large Amerindian movements have emerged in Bolivia and Ecuador and sought to become political parties, whilst personalistic parties in Peru and Venezuela have made claims of ethnic representation.

In the case of Peru, nationalist groups have claimed the representation of Amerindians, but that is an exception. In general, Latin American nationalist parties —such as Argentina's PJ, Bolivia's MNR, Paraguay's Colorados—have developed without the ethnic connotations found in their European or Asian counterparts. A different development has been the recent emergence in Peru of *etnocacerismo*, a combination of proto-hegemonic nationalism with ethnic-based politics that has led to the formation of Partido Nacionalista Peruano. *Etnocacerismo* is also an exception to the inclusive nature of Amerindian movements; it is confrontational, claiming that a clash between "whites" and "cobrizos" (copper-colored skinned) is unavoidable, and it is also patriarchal, claiming a primacy for men—specifically for soldiers—in politics. It has resulted in the formation of two political parties, Avanza País led by Ulises Humala and Partido Nacionalista Peruano led by his brother Ollanta Humala, a former army major who led a small uprising in 2000 and made a strong bid for the presidency in 2006.

With that exception, the cases where ethnic-related groups have had more influence as non-party actors have been Bolivia and Ecuador, the two societies including the proportionally largest Amerindian communities. In Bolivia, the Katarista movement first emerged in the 1970s, seeking to increase ethnic consciousness and revitalize Amerindian traditions amongst the Aymara population of the highlands, but it promptly divided between moderate Kataristas and a radical Indianista group. The Kataristas re-emerged in the 1990s as a broader movement, including now the Quechua-speaking communities, but once again underwent several splits and transformations that finally prompted into prominence the leader of the Quechua coca growers of the Chapare region,

Evo Morales, a coca grower himself. Morales went on to take control of Bolivia's peasant union confederation (Confederación Sindical Unica de Trabajadores Campesinos de Bolivia). From that base, he led the formation of a political party, Movimiento al Socialism (MAS), with a left-wing redistributive program but clearly associated to a defense of Amerindian interests and revival. MAS received more than 20 per cent of the votes at the 2002 elections and Morales won the presidency with an unprecedented majority at the January 2006 election. There are other Amerindian groups in Bolivia, such as the Pachacuti movement of Aymara-speaking Amerindians or the one representing Amerindian communities in the lowlands or Amazonian region; they put forward candidates at elections, but their main influence is exercised as pressure groups.

In other cases, class-based movements have developed into ethnicity-based organizations as shown in Ecuador by the powerful Confederación de Nacionalidades Indígenas del Ecuador (CONAIE) that emerged in 1986 defending Amerindian land rights and opposing the government's neo-liberal policies. After the CONAIE's success in organizing popular protests against the government, a new political movement, Movimiento Unidad Plurinacional Pachakutik—Nuevo País (MUPP-NP), was formed in 1996. Although there is a strong influence of CONAIE on MUPP-NP, the latter claims to be not an ethnic-related party but an alternative movement seeking to integrate the demands of CONAIE and other Amerindian organizations, with those of women's groups, trade unions, environmentalists, the left, and some Evangelical churches. It registered quick electoral gains at parliamentary elections and was instrumental in the approval of the 1998 constitution, recognizing Ecuador as a multicultural society. In recent years, both CONAIE and MUPP-NP have suffered from their association with the military. The 2002 presidential election was won by the MUPP-NP candidate, former army officer Lucio Gutiérrez, but they soon parted company, and the party denounced Gutiérrez's policies.

Gutiérrez was ousted by Congress and a period of instability marked by a massive campaign of civil disobedience by Amerindian organizations came to an end with the rather surprising election of Rafael Correa as President in October, 2006. Correa went from a 15 per cent support in pre-electoral opinion polls, to 23 per cent of the vote in the election's first round, then to win with 57 per cent of the vote and preferences largely stemming from provinces with a high concentration of Quechua population.

In conclusion, it can be argued that non-party actors are playing an increasingly important role in Latin America's party politics. Just as the military emerge as a powerful political force in the 1960s, recent decades have seen the emergence of civil society organizations to claim a deciding role. This chapter has briefly discussed only three types of non-party actors but similar conclusions could be arrived at by analyzing others, such as women's groups, grass-roots neighborhood organizations, environmentalists and business associations. The role of the media is likely to remain central to electoral processes, but the control of those processes is bound to be increasingly contested by non-party actors other than media groups.

Notes

1 An earlier version of this chapter was presented at the 2007 annual meeting of the Midwest Association for Latin American Studies and published as *Party and Non-party Actors in Latin American Electoral Politics* (Lecture Series, Paper No. 7, Institute of the Americas, London, 2007). I am grateful to colleagues who provided helpful comments on that version, and in particular to James Dunkerley, Jennifer Holmes, Richard Millett, Dan Hellinger, and Orlando J. Pérez.
2 There have been four female presidents in Latin America—in Argentina, Guyana, Nicaragua and Panama—all widows of former presidents or political leaders.
3 I fully accept that these indices must be taken with a large pinch of salt, since they are largely based upon judgments made by unknown experts. However, within those available, the index provided by the *Economist* appears to be the most reliable.
4 Alianza Popular Revolucionaria Americana (American Popular Revolutionary Alliance), a traditional left-wing party founded in 1924, now officially known as Partido Aprista Peruano.
5 The Chilean right-wing newspaper *El Mercurio* was rewarded by the Pinochet dictatorship even in the latter's last days in office, having its debts refinanced and reduced at a cost of US$12 million in state funds (Cortés 1998, 563).
6 Interview with Marta Lagos, head of pollsters Mori-Chile, in January, 2000.
7 Except for the state-owned *La Nación*, a daily with very small circulation.
8 Traditionally known by its original acronym COPEI, which stands for Comité de Organización Política Electoral Independiente.
9 Latinobarómetro, 2006: www.latinobarometro.org.

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10 The State, the Military, and the Citizen

New Security Challenges in Latin America

Rut Diamint and Laura Tedesco

Introduction

Recent political events in Latin America demonstrate that transitions to democracy are risky and that democratic consolidation is far from achieved in most places on the continent. This chapter presents an analysis of the new security challenges the region is facing after democratization. The chapter begins by offering a theoretical approach to state formation. The argument departs from an understanding of the state as a set of dynamic, complex institutions that continue to undergo a process of development in most countries of the region. In this context, the aim is to study how a new democratic state is formed in which the armed forces and security issues play a critical role in the process of democratization. After the theoretical presentation, the chapter presents an analysis of the new security challenges the region is facing. The chapter analyzes the role of the armed forces and the current situation in which militaries assume missions that may undermine democratic defense structures. A second section presents the most significant current security challenges at the regional level. The conclusion offers some ideas about the continuing formation of democratic states and how this complex institution is dealing with one of its main functions: the defense of its citizens.

The Formation of the State

Recent processes of democratization have been intrinsically conditioned by historical legacies. Transition is a crucial period in which rules, norms, institutions, and cultural practices are reborn, resuscitated, rewritten and re-established. It is a period of conflict during which authoritarian legacies seek to survive while democratic practices struggle to re-emerge. The replacement of authoritarianism with democracy entailed a *rewriting* of the social contract based on new social relations.

Following the breakdown of the equilibrium established by dictatorships, for reasons as diverse as global recession, human rights activism, inter-state conflicts, and the collapse of economic strategies that had been in place since the 1950s, different values emerged within Latin American societies that threatened the continuation of authoritarian rule. The legitimacy of the authoritarian regimes

was increasingly questioned and the machinery that maintained the dictatorships began to disintegrate. The first elements that needed reform were civil–military relations and the role of the armed forces. At this stage, there were significant differences between Latin American countries since the rewriting of the social contract was based on the historical circumstances of each case. Nevertheless, transitions were conflictive processes for all of them, involving a fundamental questioning of values that had been understood as traditional.[1]

The combination of these processes ensured that the transitions involved a crisis of the state in all its three dimensions: as idea, as social contract, and as a set of institutions.[2] Parallel to the transition to democracy in terms of regime change, essential values re-emerged that had a significant impact on the state. Democratic values became more firmly established, while there was a questioning of populism, developmentalism, and state intervention in the economy. This questioning refuted the legitimacy of the prevailing state-idea, state-social contract and institutions. Owing to their interconnectedness, the questioning of one of these elements provoked the breakdown of the status quo of the three dimensions. These processes are considered here as different parts of a single transformation: *the transformation of the state reflected in its social relations and institutionalized in a social contract, and in the institutions that emerged from that contract.*

The state-institution provides the legal framework which rules the exercise of citizenship and manages social conflicts and conflicts of interests; it ensures the provision of basic services; it monopolizes the use of legitimate force; it defends its citizens from external threats; it administers public wealth by collecting taxes, mobilizing savings, and allocating resources; and it preserves territorial integrity. During the period of economic reforms, the state-institution was rationalized in order to meet the macroeconomic goals of state expenditure. Instead of restructuring the state according to the new social relations that were emerging as a consequence of democratization and economic restructuring, the pre-authoritarian state, liquidated through years of authoritarianism, was reduced in its capacity to respond to the ills that state intervention in the economy had supposedly caused. The imperative of using the state-institution democratically in the formulation and implementation of economic reforms was, in most countries, ignored.[3]

Thus, the democratic regimes that emerged in the 1980s could be considered as the historical outcome of a combination of trends originated during democratic and authoritarian periods. Countries arrived at the experience of democratic transition after years of weak democratic experiences; strong authoritarian regimes; populist leaders from the left and from the right; weak political party systems; military or civilian *caudillos* and military involvement in politics. These legacies naturally influenced the building of democratic regimes and help us to understand some of the failures of recent years such as the ineffective response to organized crime.

This, together with the ongoing process of state formation that followed democratization and economic restructuring, implies a volatile and dynamic

scenario of changes and transformations of values and institutions. In this context, the role of the military at the domestic level is also being reconsidered and the concept of citizen security has become deeply influential.

However, at the same time it is crucial to highlight that the return to democracy has witnessed a dynamic period in which compromises on disarmament and limitation of weapons of mass destruction were updated together with policies aimed at exercising the democratic civil control of the armed forces. The international environment in turn encouraged the expansion of democracy and the reduction of public expenditures on defense. Meanwhile, inter-state conflicts were reduced,[4] giving place to a more intense and effective period of sub-regional cooperation in comparison to the initiatives that had been implemented in the 1960s. Nevertheless, even though the *coups d'état* appear to have vanished, in none of the countries that underwent democratization was an effective democratic civilian management of defense achieved. There is still military autonomy resulting from civilian incapacity to effectively formulate defense policy. The combination of this, and increasing social violence and inefficient and non-democratic security forces, presents democratic regimes in the region with different levels of social conflict and political instability. In this context, one of the main institutions of the state, its armed and security forces, are being transformed.

The Military and the Police in a Democratic Regime

One of the main pillars of a democratic state is the full, democratic control of the armed forces. The control over all the defense and security-related institutions—that is, the absence of any degree of armed forces autonomy—marks the level of political maturity of a civilian, democratically elected, government. Likewise, political maturity is also expressed through the government's capacity to produce national defense policy. The control over the armed forces implies a power relation that, under a democratic regime, obliges the armed forces to accept their subordination to the civilian government and its politics.

During the military dictatorships or the civil wars, the armed forces of the region were the main players, directly or indirectly, in the breakdown of democratic regimes and the worst human rights violations witnessed in the region. With the return to democracy and the end of the Cold War, the possibility of new military coups began to fade, ending an era marked by the overwhelming power of the military. Behind the false argument of the idea of *raison d'état*, the military avoided fiscal control for their defense policy both in the use of resources and the provisions of defense goods (Blanco 2007, 227–8).

With the democratization processes, the countries in the region, especially those in the Southern Cone, established a separation between internal security and defense policy which helped to limit the military's participation in internal matters, concentrating their role in the area of international affairs. Thus, the military could no longer be used politically at the domestic level, thus improving the human rights situation in the region.

Despite the fact that this separation exists in Southern Cone countries, a closer analysis shows that the separation between defense and public security is often not clear. There are undoubtedly improvements in the level of control that civilian authorities have over the military. However, none of the military institutions of the region has finished its reform process, incorporating fully the democratic principles within its internal structures. The armed forces tend to resist any sort of civilian control, as Narcís Serra points out: "the military accepts organizational controls but attempts to maintain its control over the professional side, the values, education, admissions and promotions. (Serra 2004, 6). Despite this phenomenon we must highlight that governments can deepen democratization, as it was finally done in Spain, by promoting an institutional redefinition and the assimilation of social values that transform the armed forces from an institution equal to the political authorities into another sector of the public administration structure (Serra 2004, 7). Here we would like to emphasize that this reality makes our argument stronger: the democratic state is still in formation at the regional level and thus the full democratic control of the armed forces has not been achieved.

While most of the countries have not achieved full civilian control over the armed forces, the forces, and most specifically the armies, have increased internal activities, in some cases replacing the police, which has meant a militarization of public order (Diamint 2007, 149–50).

In this context, military values can again permeate society. Likewise, society begins to accept an increase in violence, especially that exerted by the military, as necessary to stem the tide of criminal activity. Civil society could look the other way as people take justice into their own hands, and citizens who previously had supported the return of democracy would now support the implementation of harsh policies (*mano dura*), potentially damaging the rule of law.

The region lacks public strategies and policies for citizen security outside of a framework that promotes authoritarian inertia preferring zero tolerance and *mano dura*, which can be maintained only in the short term and are economically highly inefficient (Carrillo-Flórez 2007). Indeed, there are economic and political costs to the failure of civilian governments to guarantee the rule of law and full civilian control over defense policies.

While at the beginning of the democratization period the armed forces underwent an identity crisis resulting from the inability to define their role in a democratic regime, and integration processes reduced the possibility of regional conflicts, today the military have a significant number of missions. However, most of these missions are not related to defense (Diamint 2002, 89–115).

The international scenario dominated by the rhetoric of new challenges provoked changes in the security debate. Drug trafficking, organized crime, and international terrorism help to obliterate the divisions between security and defense.

At the hemispheric level, the concept of multidimensional security reflects the diversity of problems and the difficulty of reaching consensus on a compatible path for security and defense. The solution is not a superficial compromise to

establish a formula that involves everyone but that compels no one. There is no common hemispheric response to drug trafficking, terrorism, organized crime, *maras* (youth gangs), public insecurity, the arms race (conventional weapons and light weapons), environmental catastrophes, compulsive migrations, democratic civilian control of the armed forces and democratic elaboration of defense policies, ideological identities, and poverty. These are all phenomena that affect in different degrees each and every nation of the continent.

The internal security system is aimed at the prevention of crimes or, in any case, at their punishment. The defense system is targeted at responding to attacks against the state's integrity and sovereignty, and public security is enforced by the Penal Code. Security depends primarily on the justice ministry, and defense on the foreign affairs and defense ministries, the national congress, and multilateral entities such as the United Nations and the OAS.

Increasingly, it is more difficult to establish this difference which we argue is crucial for the establishment of the rule of law. It is ever more difficult owing to the incapacity of national governments to organize efficient security policies and the pressure of the United States. The United States Southern Command Strategy 2016, recently published, proposes a single military command to interact with agencies from Latin American countries, which may result in US military working with Latin American police.

The new conceptual framework includes as security problems issues that are not a threat by themselves such as extreme poverty or environmental themes. This leads to the *securitization* of the development agenda, the militarization of public life and the undermining of civilian control. Within this new framework Latin American governments use the armed forces to deal with issues of internal security. The combination of the concepts of regional security, defense, and public security influences national domestic politics. First, it implies a transformation of the role of the armed forces, and second, and considering the authoritarian past of the countries of the region, it could promote an increase in human rights violations and an undermining of democratic institutions.

Recently Brazil, Peru, Mexico, and Bolivia have used the military to solve problems related to internal security. Brazil used the army to stop urban violence related to drug trafficking and the military developed a new doctrine to use troops in activities related to public security—these were named Operations to Guarantee Law and Order (OPGLO) (Zaverucha 2007). The army's involvement is not limited to public security but also involves other public goods such as natural resources and highway construction.[5]

According to the Ministry of Foreign Affairs of Paraguay, the so-called Operación Brasil Sur which is implemented in the southern states teaches army officials and soldiers to fight against illegal activities such as drug trafficking and the illegal arms trade (Boletin Diario de Informaciones 2006).

Bolivia is also using the military to protect natural resources. For instance, the President of Paraguay, Nicanor Duarte Frutos, argues that Bolivia is trying to protect its border with the military to fight against the illegal trade and the illegal exploitation of natural resources. Thus, Evo Morales's administration has

established military outposts in the border to fight illegal activity and help develop the area (Frutos 2006). Likewise, Morales sent military troops to confront the threat from peasant groups in the border to close down the gas transportation system to Brazil, and used troops to repress social protests.[6]

Peru has used the military to face a teachers' strike. This was an exceptional measure which gave the military full power to repress the strike (BBC Mundo 2007). In Ecuador twenty people were hurt in a clash between the armed forces and indigenous groups and social organizations in a demonstration against the Free Trade Agreement with the United States (Red Globe 2006). In Honduras, the army and the police used heavy weapons to control a teachers' demonstration (Pineda 2006). Salvador Zúniga, a member of COPINH (Consejo Cívico de Organizaciones Populares e Indígenas de Honduras) argues that the army and the police used excessive force to control teachers who did not have any weapons (Meza 2007).

Since the last decade, the armed forces in Honduras are involved in fighting crime, fighting drug trafficking and protecting the environment (El Heraldo 2006). In Guatemala, the military has the power to repress social protests (ACL/CAR 2007). The government has tried to change this situation. Indeed, in 2001, the Minister for Government, Adela Camacho de Torrebiarte, asked twenty military officers to leave the National Civilian Police (PNC) (Sas 2007). Despite these efforts, it is clear that the peace process has not been able to achieve all its objectives. Finally, Mexico has also witnessed an increase of social conflicts with high levels of participation of the military and the police (Arista 2007).

The consequences of involving the military in domestic, social, and political conflicts is a threat to the rule of law. In September 1996 the Landless Movement of Brazil (Movimiento de los Trabajadores Rurales Sin Tierra (MST)) and the Centro por la Justicia y el Derecho Internacional (CEJIL) presented to the Inter-American Commission for Human Rights a demand against Brazil due to violations of articles 4, 5, 8, 25 and 1 (1) of the American Convention for Human Rights. The demand was presented as a result of the assassination of nineteen rural workers. They died when the army removed them from a public road.[7] Jorge Zaverucha presents various cases in which "the Army broke the law while trying to enforce it" (Zaverucha 2007).

There is an increasing militarization of politics in Venezuela due to the incorporation of military officers in running many institutions of the state. In Venezuela there are two different options to deal with the military dilemma, and both undermine democracy. On the one hand, the military could maintain their previous role, being an autonomous institution that guaranteed the politics of the Punto Fijo system and its two corrupt protagonists. On the other hand, they could incorporate a popular militia, co-opted by President Chávez.

These examples show a general tendency in the region. Indeed, with the exception of some of the Southern Cone countries—specifically Argentina, Chile, and Uruguay—most of the countries are using the military to fight against domestic insecurity and/or organized crime. This option does not solve the problem; on the contrary, it helps to increase it: it militarizes public security;

undermines civil control; damages the civil administration of defense policies; creates the overlapping of functions between different agencies; limits individual guarantees; decreases the efficiency of resources; and increases fiscal expenditure.

New Regional Tensions

In April, 2007, at Venezuela's Margarita Island, a new sub-regional alliance emerged, Union of South American Countries, UNASUR, whose permanent secretariat will be in Quito. The creation of a future organization of South American countries that produce and export gas, OPPEGASUR, and an Energy Council, which would also work in Ecuador, were also discussed at the meeting. The tensions that arose in this encounter clearly reflect the differences that are nowadays being deepened in South America.

The sub-region is fragmented. Some argue that the leaders should sustain a pragmatic vision, not an ideological one, in order to establish power balances and to obtain benefits from commercial advantages. As Ernesto Laclau says, the failure of the neo-liberal project in the late 1990s, together with the need to elaborate more pragmatic policies that would combine market mechanisms with larger degrees of public regulation and social participation, lead to more representative regimes, and to what is now being called a general turn to the center left (Laclau 2006, 59–60). After the return to democracy which implied a crucial change in the social contract and state institutions, the economic reforms of the 1990s also resulted in dramatic changes. The U-turn at the end of the decade brings new transformations for an apparently never-ending transformation of the state.

Others, on the contrary, perceive that without a basic consensus to sort out the political obstacles through formal proceedings agreed by the different parties, democracy and the regional understandings will be lost.[8] In that sense, the strengthening of the Bolivarian road towards socialism appears as a watershed, including nationalizations in Bolivia, and possibly in Ecuador—the Andean turbulence—which will eventually compel the region's governments to take sides in favor of or against the alternative lead by Chávez. Border tensions increase as we see daily between Ecuador and Colombia. Refugees and forced migrations create rivalry between the populations. The illegal arms traffic from one country to the other supplies transnational organized crime networks.

Latin America is the region of the world that assigns fewest resources from its GNP to defense budgets, approximately 1.4 per cent. In Central America's case, none of the countries invests more than 1 per cent of its GNP; El Salvador and Nicaragua are the ones that spend the most. Military expenditure, however, is increasing in South America from the lowest point in 1997. The exact amount of the increase in military expenditures cannot be determined because many of the appropriations are not included in the defense budgets, but instead are derived from transfers and extra-budget allocations. José Antonio García Belaunde, foreign minister under President García, said that the massive purchase of armaments affects the region's military balance and is a genuine

reason for concern.[9] José Sarney, former President of Brazil, argues that Chávez's spending of US$60 million in weapons represents a threat to the region (Sequera 2006). This also promotes an arms race since the Brazilian armed forces are likely to demand an increase in their resources. Or, at the very least, Sarney believes that the armed forces will ask President Lula to press Chávez to stop this "militarized democracy" he is establishing in Venezuela and allow a democracy with more bread and fewer arms.[10]

According to the International Institute for Strategic Studies (IISS), the Center for Latin America's Liberalization and Development (CADAL), and the Stockholm International Peace Research Institute (SIPRI), the military expenditures in the continent increased 7.2 per cent between 2005 and 2006. The largest increases in defense purchases correspond to Venezuela, Chile, Brazil, and Colombia, followed well behind by Argentina. The official explanation refers to replacement of obsolete materials—a replacement that is being done in nations that have the sad attribute of being among the most unequal societies in terms of wealth distribution (Borgen 2007). "In recent years Chile has purchased weapons valued at US$2.785 billion, Venezuela at US$2.200 billion, and Brazil, greatly lagging, occupies third place at US$1.342 billion. A recent report in the industry magazine Military Power Review affirms that the trans-Andean country has risen from fourth to third place in 'military capacity' ranking for South America, displacing Argentina from that position and approaching Peru, which continues to occupy second place" (Zibechi 2007). These purchases reveal a growing atmosphere of regional mistrust and disclose the effects of populism, which appeals to xenophobic nationalism. One of the main features of populism is the polarization of society. The new wave of populism in the region is currently polarizing not only Venezuelan civil society but also regional politics.

In this context, the issue of militarization becomes crucial. We are referring here to a remilitarization without militarism. It is our belief that a nation's power depends almost exclusively on its military strength, which in this case is being handled by civilian authorities and not directly by the armed forces. It is, moreover, a double remilitarization of the Americas, because of the increase in military spending as well as the militarization of police functions.

The possibilities of changing this agenda are very limited, mainly because the United States insists on exporting its domestic agenda to its backyard. The US government grants priority to a military solution, even though this has already proved to be ineffective in providing responses to the pressing issues in the political, social, and economic agenda. Instead of consistently working for the improvement of the police forces, the transparency and independence of the judicial power, and the professionalization of the customs and migration offices, it grants resources only when the strengthening of the military instrument is needed.

The weaknesses of democratic states undermine regional integration processes. Thus, cooperation gives way to hegemonic approaches. These tensions can also be found in issues related to energy. The provision of energy has become

a crucial global security issue. Following the invasion of Iraq, the ever volatile situation in the Middle East, the increasing demand for energy from China and India in order to maintain their economic dynamism, and the instability in Central Asia, energy and security have become deeply interrelated. This new international scenario influences Latin America. On the one hand, more protectionist measures have been implemented at the domestic level. At the regional level, the increase in energy sources has caused bilateral conflicts while an integrationist rhetoric emerges around the very same issues.

The Venezuelan departure from the Comunidad Andina de Naciones (CAN) and its inclusion in MERCOSUR has consequences for almost all the countries in the region, has threatened the existence of the CAN, and has transformed MERCOSUR.

The energy policies of Venezuela and Bolivia have also been crucial in the last months, provoking national and regional conflicts. Both countries have redefined the role of the state in the domestic economy and have transformed the legal framework and reversed the privatization policies of the 1990s. Venezuela promoted the renegotiation of the contracts established for the exploitation of oil and gas and it was soon followed by Ecuador and Bolivia.

The price of natural gas is a source of conflict between Argentina and Bolivia (with an impact on Chile) and between Bolivia and Brazil. The conflict between Brazil and Bolivia begun when on 1 May 2006 President Evo Morales nationalized all the energy resources and used the armed forces to defend the refineries.[11] The future of Petrobrás—the Brazilian oil and gas company—is at stake. Likewise, Morales wanted to increase the price of natural gas. Morales argues that the Bolivian state is exerting its property rights over the natural resources of the country. Although it is unlikely that there will be an armed conflict, the use of the armed forces could mean a permanent, and difficult to control, mobilization between Brazil and Bolivia.

Chávez is highly controversial; some admire him, others hate him but most Latin American leaders tolerate him because of *petrodollars*. He has a difficult—and often stormy—relationship with Alvaro Uribe, a distant relationship with Alan García, and an alliance with Fidel Castro and Evo Morales. He also has a distant relationship with Michelle Bachelet and a fragile alliance—although sometimes it seems to be a strong one—with Lula, Christina Fernandez de Kirchner and Tabaré Vázquez. This strategy of divide and conquer has jeopardized the stability of the regional blocs such as CAN and MERCOSUR. Chávez, the internal confrontations with MERCOSUR, and the possibility of signing free trade agreements with the United States have damaged the process of regional integration.

Petrobrás investments in the region could also become a source of conflict. In Bolivia Petrobrás controls the two main gas production plants and 20 per cent of the petrol sales. In Argentina Petrobrás bought 58 per cent of Perez Companc (which was the biggest national oil company), the Santa Fe oil company, the gas company Mega and three oil refineries. In Uruguay it bought 51 per cent of the gas company Gaseba (Gaz de France) and eighty-nine Shell oil stations. It also

bought Shell stations in Paraguay and Venezuela. In Ecuador, Petrobrás has 200,000 hectares in the Parque Nacional Yasuní, an indigenous land, which has provoked conflicts with the government and the indigenous group, the Huronai. The Huronai demand that Petrobrás leave the area (Zibechi 2006).

We must also recognize that there are positive developments at the regional level regarding the UN Stabilization Mission for Haiti (MINUSTAH). Latin America, as Rosario Green, former Mexican Minister for Foreign Affairs argues, has a *complex multilateralism*, ready to help its neighbors by promoting mutual trust when facing natural disasters or political conflicts (Green 2003). This is the logic of cooperation and it promoted the regional commitment to help solve the Haitin crisis.

MINUSTAH's mandate is to promote and protect human rights and the rule of law. In Haiti, as in most peace operations, the armed forces were involved in confrontations with the civilian population. In the context of peace operations, this type of conflict must be resolved peacefully. The region organized a security group to homogenize defense policies and international security measures. The Latin American group, the so-called G9 or 2+9, attempts to achieve consensus through shared values and interests.

Thus, the Latin American countries are making a specific contribution so that MINUSTAH is viewed as a humanitarian mission rather than an invasion force. It is crucial to highlight that this regional experience is an attempt to achieve consensus despite an absence of hierarchical structures. It is also key that the mission has focused on the social and economic problems facing Haiti.

The experience of MINUSTAH shows that Latin America can become a *rule maker*, leaving its historical role of *rule taker* as Tulchin and Espach argue (Tulchin and Espoch 2004, 14). Nevertheless, recognition of this regional leadership will be enhanced by a clear commitment to multilateralism and international principles that allow the region to avoid a new arms race and promote the responsible use of energy resources.

Conclusions

This is a period of conflict during which authoritarian legacies seek to survive while democratic practices struggle to re-emerge. Democracy is now a feature of the region despite weaknesses and deficits in the distribution of its benefits. However, the democratic state is still permeated by authoritarian legacies. Regional integration has become crucial but also demonstrates clear vulnerabilities.

Democracy is still more absent than present in defense issues. The construction of Weberian legal-rational institutions in a context of social and economic equality should be the main priority in the near future. The expansion of the rule of law and judicial protection of civil liberties and rights, to politics and economics and to external relations is crucial in the construction of the democratic state.

Moreover, the challenge to control and administer defense, to maintain the separation between the police and the armed forces, and to reinforce civilian capacities to provide security are paramount in order to help promote the rule of law.

In sum, the replacement of authoritarian states by democratic ones, or the move from sub-regional rivalries to cooperative ones, will not automatically develop through regime change. As we have discussed in this chapter, a new inclusive social contract is essential to the development of legal-rational institutions. Special attention should be paid to the security sector both at the domestic and at the international level in order to prevent regional conflicts generated by the rise of populism.

Notes

1 It is important to remember that, during authoritarianism, a proportion of the population was fighting in different ways to re-establish democratic values. However, democracy was not the only game in town. See Linz and Stepan (1996).
2 Here we follow a conceptualization of the state in three theoretical dimensions: as an idea, a social contract, and a set of institutions. The notion of the state as an idea refers to the Kantian concept of an Idea as an ideal that does not have an historical manifestation in its pure form. The social contract concept refers to the specific historical manifestation of this Idea. The state-social contract is a crystallization of a social relation that is manifest in processes of emergence and breakdown of social, economic, and political alliances and relates the idea of the state to legitimacy, hegemony, and consent. The conceptualization of the state as a set of institutions then refers to the structures of law and order that express the social contract. See Tedesco and Barton (2004).
3 Not only did Carlos Menem and Alberto Fujimori abuse the power of the executive to speed up or implement reforms, but also Fernando Henrique Cardoso legislated urgent matters by decree.
4 The recent confrontation between Ecuador, Colombia, and Venezuela is a testament to the fact that inter-state conflicts have not disappeared; however, the quick drawdown of hostilities at the Rio Group meeting reflects the successful utilization of multilateral mechanisms for conflict resolution in Latin America.
5 See, for instance, "Diretriz Geral do Comandante do Exército/2003," Gen Ex Francisco Roberto De Albuquerque, Comandante do Exército, Brasília, DF, 3 de fevereiro de 2003. One of the articles says, "Emphasize concerns such as environmental management by the Military Commands" ("Enfatizar la preocupación como la gestión ambiental por parte de los Comandos Militares.") http://www.defesanet.com.br/docs/DIRETRIZ.doc.
6 "Peligra provisión de gas boliviano a Brasil," *El Diario*, Bolivia, 18 de julio de 2007.
7 El Dorado Dos Carajas v. Brasil, Caso 11.820, Informe No. 4/03, Inter-Am. C.H.R., OEA/Ser./L/V/II.118 Doc. 70 rev. 2 en 146 (2003), Human Rights Library, University of Minnesota, http://www1.umn.edu/humanrts/cases/S4-03.html.
8 For example, Adrián Bonilla and Alexei Páez, "Estados Unidos y la región andina: distancia y diversidad," *Nueva Sociedad*, 206, November–December 2006; Riordan Roett, "Estados Unidos y América Latina: estado actual de las relaciones," *Nueva Sociedad*, November–December 2006; Arlene Tickner, "Latin America and the Caribbean: Domestic and Transnacional Insecurity," in *Coping with Crisis,* International Peace Academy, February, 2007.

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11 Democratization, Globalization, and Social Change

An Evolving Human Rights Agenda in the Americas

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The human rights movement in Latin American, born to address the egregious human rights violations perpetrated by dictatorships during the 1970s and 1980s, has significantly inspired regional and global progress in institutions, civil society development, and systems to protect human rights. The recent wave of democratization, the fall of dictatorial regimes, and the steady process of reforming traditional governmental institutions as well as the slow but evolving modernization of political leadership, coupled with the explosion of modern communication technologies, have all come together to promote a significant democratization and victim empowerment on the regional human rights front.

Dictatorships have all but vanished in the region, but many of the unattractive, yet popular characteristics of nineteenth-century patriarchal populist leadership remain and in some cases are resurging, presenting new and unexpected constraints and threats for human rights. Obstruction and monopolization of information, vertical organization and concentration of power, unchecked police and military dominance of turbulent areas, political insurgencies, obstruction and repression of journalists, and free reign of corporate will have all reappeared, undermining democratic consolidation and the rule of law and placing human rights groups and human rights institutions on alert for "new" forms of what are really old types of violations.

In addition, a new human agenda is emerging: not to displace the former, but turning part of its focus to what has been to date the largely ignored human rights dimension of economic and social rights that are especially relevant to the region's socioeconomic situation. This coincides with the growing voices of individuals, communities, and civil society groups, which draw attention to the perennial problem faced by Latin American societies: poverty. Latin America still faces large economic and social inequity, poor distribution of wealth, and alarming poverty statistics. These issues have been largely absent from the human rights discourse of regional human rights bodies, and even that of most of the region's civil society human rights advocacy groups.

Various factors provide the context for how these trends play out in regional and national politics. Some of these include information technology that allows extremely rapid and free-flowing information, regional advances in democratization and maturing political government systems, global geopolitics and free trade trends, the end of the Cold War, and the shifts in related bilateral and multilateral relations (including United States political alienation from the region). In the midst of these trends, and relative to human rights, the types of community and individual empowerment that are spurred by some of these elements are resulting in more systematic calls for the realization of human rights.

The rampant civil and political abuses of the past are less apparent in the region's young democracies, but abuses persist and threaten resurgence unless the growing pressures from newer economic, social, and cultural violations are addressed. State security forces still represent, in several countries, a serious threat to many vulnerable groups. We see, for example, systemic violence in unstable regions, including the killing of community leaders, or indigenous people (such as occurred with the U'wa in Colombia owing to their protesting the construction of a controversial Occidental Petroleum pipeline).

Still further trends are emerging, however, resulting in the defense and claim of human rights that have been left off the priority list since the inception of the region's human rights system. These have to do with claims for human dignity, quality of life, and a healthy environment—issues that directly impact the lives of hundreds of millions of Latin Americans living at or below the poverty line. Poor water quality, exposure to toxic chemicals, proximity to unsanitary waste dumps, and unsatisfactory sanitation are becoming common claims for many, and slowly these issues are being presented in a "rights-based" context and advocacy approach.

This chapter reflects on the evolution of Latin American human rights in the context of globalized post-Cold War society and identifies an incipient shift in the way human rights are being addressed in the hemisphere.[1]

Latin American Democracies and the Reconstruction of a Human Rights Agenda

The dictatorial regimes of the 1970s and 1980s in Latin America were characterized by repressed freedom of expression, massacres, extrajudicial disappearances and executions, torture, and abuse. The atrocities committed during these years shocked the conscience of the world when revealed by the truth commissions established to document the horrors (such as La Comision Nacional Sobre la Desparicion de Personas 1984). Over three thousand people were killed in Chile, with about two hundred thousand Chileans forced to flee the country for fear of losing their lives at the hands of the DINA (secret police) or torture at the notorious Villa Grimaldi. The death toll was even greater in

Argentina: tens of thousands disappeared into the hundreds of secret prisons and torture centers spread throughout the country. Over two hundred thousand people were killed in Guatemala's civil war, and more than fifty thousand disappeared (in a country of only around eight million at the time).

Indigenous peoples often bore the brunt of the state terror, as with the Mayans in Guatemala, the Mapuche in Pinochet's Chile, or the indigenous majority in Bolivia. Estimates suggest that one thousand were massacred within ten days at El Mazote in El Salvador by US-trained and US-financed forces, and many other villages were similarly wiped out (Danner 1994).

Some countries have been able to put these horrors behind them; others still face the persistent legacy of these civil and political violations. Although the massive killings of the past have largely ended, journalists, local activists, and indigenous[2] as well as union leaders still face widespread abuse, including political repression and police and military abuse,[3] as well as paramilitary terror. Strong regional remnants remain of hierarchical, authoritarian, discriminatory public institutions and governance paradigms, while the rhetoric and mindsets of many political figures, reminiscent of the glorious populist past, persist.

The slow but steady exit of vicious dictatorships such as that of Somoza in Nicaragua, Noriega in Panama, Duvalier in Haiti, Pinochet in Chile, Stroessner in Paraguay, or Galtieri in Argentina opened exciting possibilities for the region. The rule of law received enhanced respect both from those on the right (which relied on military governments to preserve elite economic advantage)[4] and those on the left (which often viewed law as a Marxist epiphenomenon to be transcended by violent revolution). Widespread recognition that the dictatorships only brought a brittle "stability" helped usher into domestic legal regimes the new respect for democracy and, subsequently, for human rights in the region. Argentina's 1994 constitution, for example, elevated to national law ten key international human rights, as did a number of others in the region.[5]

Democracy, the Consolidation of the Inter-American Human Rights System and the Latin American Human Rights Movement

In an effort to protect the democratic trend, the regional agencies administering inter-American affairs (including the Organization of American States) adopted resolutions such as OAS Resolution 1080 (in 1991)[6] and, later, the Inter-American Democratic Charter (on September 11, 2001).[7]

The Charter's right to democracy is no mere right to free elections but a full-fledged cluster of rights-related notions of the sort that would have been hard to imagine during the competing Cold War systems (Franck 1992), including the rule of law, checks and balances such as an independent judiciary and civilian control of the military, dissent, free association, and other

fundamental human rights connected to combating poverty and enhancing economic development.[8] Like Resolution 1080, the Charter contemplates regional diplomatic action in the event democracy is threatened, up to and including sanctions such as suspending OAS membership.

Attempts to undermine democratic regimes in Panama, Peru, Haiti, and Guatemala in the 1990s were in fact successfully addressed using Resolution 1080's mechanisms to defeat dictatorial resurgences. Fears that the "democratic pendulum" would swing back toward the dictatorial side slowly subsided. While initiatives such as Resolution 1080 and the Charter have played a helpful role, the practical limits of such international legal mechanisms remain apparent.

An energetic "human rights movement" was born from the democratic, economic, and technological fluxes. Repression and stasis transformed into freedom and the explosion of individual and community expression.

People everywhere could communicate. And they did—not only between themselves, but with groups abroad and in other countries within the region. Networks of civil society organizations flourished, linking professionals, academics, public servants, and corporate actors. This meant that the agendas of local groups began to reframe local problems as human rights problems, reshaping advocacy and development politics.

New individual activism in local and national politics happened rapidly, and unstoppably. Civil society organizations sprang up in just about every sector and on every topic, as mentors of political awareness, opinion, and resolve. Democracy, and democratic movements globally, confronted governments with concepts and rights that individuals and groups had to "receive information" and "participate" in decision-making. While in Europe the Aarhus Convention embodied this idea in intergovernmental law,[9] in Latin America there was more resistance to these concepts and principles. Participation was perhaps best illustrated by the participatory budgeting engaged in by citizens since 1989 in Porto Alegre, Brazil—a bold move by local government to open governance to "the floodgates of public opinion" and let the people decide what to do with the government budget.

That this first move came from Brazil, home to the first World Social Forum and host of the next two, should be no surprise. Brazil was on the cutting edge of environmental thinking that had already surfaced in 1992 during the Rio Summit and from which much of our modern thinking on environment and sustainable development and its relationship to justice derives. The World Social Forum, first held in 2001, brought thousands and eventually over a hundred thousand persons to a single civil society event, with NGOs, students, politicians, Nobel laureates, and rock stars discussing everything from water access to discrimination, from gender equity to IMF reform. The massive ordered chaos apparent in these new social expressions, largely rights-based, proclaimed new social messages, like "another world is possible" or linking "human rights" to "human dignity," and spurring similar events at the United Nations (Pitts III 2002) and elsewhere to drive much of the ongoing development agenda.

The seeds of this human rights and social movement go back to regional human rights instruments beginning with the 1948 American Declaration on the Rights and Duties of Man and the 1969 American Convention on Human Rights.[10] The Convention delineates civil and political rights such as protection from torture (article 5) but until later supplemented by the 1988 Protocol of San Salvador[11] had only one general reference (in article 26) to "progressive development" of economic, social, and cultural rights (ESCR).

The United States and Canada merit an unfortunate mention in this evolution. Despite being full-fledged OAS members and large contributors to the institution's budget, they have hesitated to join the Inter-American human rights system. The United States has signed but not ratified the American Convention on Human Rights (the system's legal backbone), and Canada has neither signed nor ratified it. Neither recognizes the jurisdiction of the Inter-American Court on Human Rights.

This position is perhaps not so surprising if one considers that the United States, for example, was a key supporter of some of the region's worst dictators and trained some of their most notorious henchmen at the infamous School of the Americas (a training ground in Georgia for military personnel that still exists today). Some of the US favorites included Duvalier, Pinochet, Somoza, Noriega, and Galtieri. The United States also sponsored some of the region's most violent guerrilla warfare, where some of the region's most egregious human rights violations occurred in the name of freedom and democracy.

But US administrations routinely deny supporting human rights violators in the region, including those at facilities it controls[12] like Guantanamo Bay, Cuba. Human rights violations were happening at such centers in Latin America long before the abuses revealed at Abu Ghraib in Iraq. The US rejected jurisdiction of the World Court when faced with accusations about its role in Nicaragua,[13] and has denied aid to countries supporting the International Criminal Court.

Since 1959, the Latin American human rights system has also included an Inter-American Commission, with a mandate to "promote the observance and protection of human rights." The Commission and key NGOs bringing cases to it have played a key role in pushing the regional human rights agenda, and bringing hemispheric governments (even the United States and Canada) to the judge's bench to hear claims of state-perpetrated human rights violations.

Among the pioneering reports from the Commission's independent experts was the report on disappearances in Argentina, which catalyzed one of the world's most notable national human rights movements (Inter-American Commission on Human Rights (1980)). The Commission now receives complaints and mediates disputes between victims and states, often brokered by key institutions, including persistent human rights NGOs and other advocates. (The Convention recognizes the right to effective recourse to national courts to protect rights,[14] but anyone who has exhausted remedies before those courts may then file a complaint with the Commission.)[15] Civil society groups like the Washington-based Center for Justice and International Law (CEJIL) have presented hundreds

of cases before the Commission. The resulting massive flow of legal complaints to the Commission helped enhance its capacity and the quality of its decisions. The larger case docket has also generated political pressure to resolve some of the more controversial cases, forcing the governments concerned to confront wrongdoings or face collective reprimand from other states. Peer pressure has been an important catalyst to advancing human rights in the hemisphere.

Another part of the system is the Inter-American Human Rights Institute, which helps advance thinking on regional human rights and which can in turn be buttressed by meetings held at the Commission on topics of regional human rights interest.

Pressure from the Carter Administration on several military juntas revitalized the system and led to the American Convention on Human Rights entering into force in 1978, and the creation of the Inter-American Court of Human Rights in 1979. The Inter-American Court resolves deadlocked conflicts referred by the Commission (or member states). The willingness of regional states to accept jurisdiction and judgments, receive complaints, recognize violations, and address retribution all helped the Inter-American human rights system to overcome ever-present budget difficulties[16] to achieve notable effectiveness among intergovernmental human rights systems.

In the *Velasquez Rodriguez* case, the Inter-American Court was the first international court to address the issue of forced disappearances[17] (kidnapping and incommunicado detention without due process, often leading to torture and extrajudicial execution, as when the Argentine military drugged disappeared individuals and dropped them alive from helicopters into the ocean). Such decisions promoted accountability and an end to impunity. (Amnesty and reconciliation as represented by truth commissions formed the countervailing theme during this period.)

Ultimately, this tension was generally resolved in favor of accountability as decisions like *Velasquez Rodriguez* set the stage for other landmark cases such as that in 2001 holding that the amnesty laws of Peru violate the American Convention,[18] or the various cases going after Pinochet in Chile and the Argentine generals.

The human rights movement that began with dissent under the dictatorships (including the silent dissent on behalf of the disappeared by the Madres de Plaza de Mayo) focused mainly on seeking justice, compensation, and retribution for egregious human rights violations under the dictators. The movement continues vigorously to bring cases to the system based on the terrible military past.

Dozens of cases quickly became hundreds, then thousands in the early stages of the evolution (1970s and early 1980s), then well over ten thousand by the early 1990s. The cases, again, mainly involved disappearances, torture, restricted movement, free expression, political persecution and other related civil and political rights violations including violations of the right to life (as when Guatemala was held culpable for murders of street children by police).[19] This process fed back into the political and cultural systems in many ways, mainly

positive, and through influencing media and NGO pressure by governmental policy decisions. Some countries dramatically matured in their human rights understanding and strengthened their institutions to deal with human rights problems (in Argentina, Brazil, and Chile, for example). Others—like Colombia, Mexico, and Peru—still struggled at times internally to even recognize that serious problems existed, though some people internally and externally fought hard to do so.

The human rights movement began to spill over into countries like Colombia, Mexico, Peru, Ecuador, Uruguay, and Paraguay. These benefited from the first cases and from the invigorated intergovernmental human rights system that increasingly managed to leverage influence to address the most visible human rights problems suffered in the region.

As noted earlier, the political freedoms that had been loosely consolidated in the 1980s were still at risk in the 1990s. The continent was still plagued (and is still plagued in many countries) by residual resistance of its leaders to relinquish powers and prerogatives traditionally granted to party and presidential leaders. Leftist governments in Venezuela, Ecuador, and Bolivia have tried recently to change constitutional processes in order to perpetuate power.

The problem of self-aggrandizing executive power is by no means limited to the United States today: Latin American nations, no less than other countries around the world, find it easier after 9/11 to follow the example of the US administration in using fear of terrorism and insecurity to crack down anew on political dissidents and opponents. This has happened to one degree or another in nations with such diverse governments as Venezuela, Colombia, Peru, Nicaragua, El Salvador, Guatemala, Cuba, Mexico, and the Dominican Republic. Sometimes the targets are union members, sometimes media businesses, but the techniques are often the same. In 2005 in Colombia, for example, 49 per cent of the murders of trade unionists were by the paramilitaries, 42 per cent by the government, and only 2 per cent by the revolutionaries (Amnesty International 2007). Yet as Amnesty International has pointed out, because these trade unionists were often labeled "terrorists," there has been nearly complete immunity for the thousands killed since the mid-1980s.

Often the desire of leaders to maintain power manifests itself in media repression. Media restrictions and limitations on expressive rights reappear today in several regional countries, including Peru, Mexico, Colombia, Venezuela, Uruguay, and Cuba, despite being against regional human rights principles. These speech restrictions largely spring from attempts by the executive to force through preferred economic and social policy over dissenting voices.

Protection for free expression, information, and press in Latin America, integral to democracy as well as protection against the corruption that according to Transparency International continues to plague Latin American countries,[20] received a notable boost when the OAS created a Special Rapporteur on the subject in 1997. The Special Rapporteur advises the Commission on

expression-related complaints, encourages amicable settlements, and can intervene before major violations occur—including by asking for protective measures (which the Commission can also issue on its own). Journalists were of course prime targets under the dictatorships, but have also been murdered thereafter in various Latin American countries (especially, e.g., in Colombia, but also in Guatemala, Honduras, Paraguay, Peru, El Salvador, Haiti, Mexico, Brazil, and Venezuela).[21] The Inter-American Court issued provisional measures to protect Venezuelan journalists after one had been killed.[22] Of course, short of killing, other measures employed in Cuba and elsewhere include imprisonment, beatings, threats, aggressive use of defamation laws, and other forms of harassment as alternative forms of direct censorship. Another Venezuelan case involved the Court and Commission issuing protective measures to stop threats against the staff of a newspaper,[23] and similar orders were issued in a Haitian case involving a journalist who had received death threats.[24] A similar Guatemalan case involved a journalist reporting on human rights matters.[25]

Sometimes existing laws are used to censor expression, as with the Chilean government's attempt to block the movie *The Last Temptation of Christ* from being shown. After some legislative and judicial back and forth, the Inter-American Commission and Court found free expression to be violated and the Court ordered the film shown (after which a new US-style ratings system was implemented).[26] Other times laws are passed attempting to censor the press, as with Venezuela's Social Responsibility in Radio and Television law passed in late 2004, prompting the Commission to express concerns, or when the operating license to a private channel was not allowed renewal because the channel regularly voiced opinions against government policy.[27]

Often more subtle pressures are exerted in order to create a chilling effect and stifle reporting and dissent, ranging from licensing requirements for individual journalists[28] or media outlets,[29] to blocking access to information,[30] to requirements that confidential sources be divulged, to concentrated media ownership.[31] The new spate of freedom-of-information laws in Latin America (for example, in Mexico[32] in 2002 and Ecuador[33] in 2004) that have accompanied the new democracies are thus welcome, and reinforced by significant precedents involving Costa Rica, Paraguay, and Chile in which the Inter-American Court has held that citizens have basic rights to information from their governments on issues of public concern.[34]

In the Costa Rican case, the Commission and then the Court held that a journalist for *La Nación* newspaper, who had reported on allegations that a diplomat might be involved in corruption, could not legally be burdened in a criminal defamation action with the requirement of proving the truth of third-party statements reported.[35] In the Paraguayan case, a presidential candidate who was sentenced to two months in prison, fined, and prevented from leaving the country after accusing the eventually victorious candidate of taking funds from the former dictator was absolved by the Commission, the Inter-American Court, and the Paraguayan Supreme Court.[36] These cases

reaffirmed the Inter-American Court's long-standing opinion that "freedom of expression is a cornerstone upon which the very existence of a democratic society rests."[37] Some of the worst criminal defamation laws criminalizing "insults" against public officials ("*desacato*" laws) have been repealed in Guatemala, Honduras, and Costa Rica in recent years, but the continued use of general civil and criminal defamation laws against journalists and activists remains a serious concern.[38] Thus, some of the more serious ongoing human rights issues in the hemisphere relate to free press and free expression, but so do some of the most significant successes.

The Rise of Neo-liberalism, Globalization, and the Technological Revolution

The 1990s, and the technological explosion happening around the world during those years, continued to strengthen the individual voice in the region, enhancing participation. Owing to rising inequality, increased poverty following the 1980s debt crisis, and the collapse of many social services and support networks, NGOs, and civil society organizations proliferated.[39] In this same context, the state, immersed in the nascent Washington Consensus, promoting free trade, liberal economic policy, and the privatization of state enterprises, was withdrawing from many of the arenas where it traditionally played with a heavy hand.

In this context, tensions between social sectors increased. The state was privatized, but didn't regulate. Rather, it retreated from key public services like education and health, but didn't ensure quality of and universal accessibility to private services. NGOs and other forms of social organizations and networks began to fill the gap wherever possible.

And while it was a perfect moment for the human rights community to come to the forefront to defend against the violations that resulted from these tendencies, building on the successes of the Commission, the Court, and civil society in addressing the abuses of the dictatorial period, it largely failed to address the growing human rights concerns facing much of the region (especially those relating to poverty and inequality).

There was progress on some fronts, however. New regional treaties were adopted regarding violence against women and ending discrimination against people with disabilities. Brazil and other nations lived up to their international commitments to pass the new anti-discriminatory laws.[40] Nevertheless, violence against women and discrimination against people with disabilities continue to be major problems. As documented by Amnesty International[41] and a 2003 report from the Inter-American Commission's Special Rapporteur for Women's Rights (2003), hundreds of women have been brutally murdered in Juarez, Mexico, and in Guatemala and other Central American countries. The anachronistic and engrained macho tendencies in Latin American societies persist, although now subject to new scrutiny from individuals, media, and global and domestic NGOs.

The 1990s also saw the reappearance (or in some cases, the persistence) of pockets of revolutionary resistance, aimed at attacking the Washington Consensus, and specifically trade agreements (like NAFTA and the Free Trade Agreement of the Americas or FTAA) seen as associated with unfair globalization, and/or traditional repressive politics. While most Central American revolutionary groups disbanded as Cold War military assistance vanished, other countries continued to see home-grown resistance groups like the Fuerzas Armadas Revolucionarias de Colombia (FARC) in Colombia, the Sendero Luminoso ("Shining Path") in Peru, and Subcomandante Marcos and the Zapatista Army of National Liberation (EZLN)[42] in Mexico. Whatever the ideology of such groups, and regardless of state and paramilitary violence affecting them and their supporters, the continued reliance on violence helped prolong some of the worst military and dictatorial traits and practices into the new millennium.

The Inter-American system continues to respond to such cases, even when civil and political rights are intertwined with ESCR (as with the nineteen Brazilian landless peasants massacred by police in El Dorado dos Carajas in 1996).[43] But the lingering violence continues to threaten social stability and hinder chances to build consensus around sustainable frameworks including that of universal human rights. In societies where life itself remains devalued, and instead can be and is traded as a commodity of terror, the idea that it can be defended in a court of justice remains quixotic.

An Emerging Economic, Social, and Cultural Rights Agenda: Trade, Intellectual Property, and the Right to Health

Growing inequality, increases in absolute poverty, the financial crises, and massive job losses to outside competition in local industries all pushed economies and societies to the edge, with the result that after a brief spurt of poverty reduction in the mid-1990s, by the late 1990s and thereafter many people crossed poverty lines going the wrong way. Whereas 40.9 per cent of Latin Americans lived in poverty in 1980, by 2003 that figure had risen to 43.9 per cent (Business Week 2004). Social groups and nongovernmental organizations, both in the region and abroad, have been quick to call for protecting economic, social, and cultural rights (ESCRs). The Cold War ideological divide between the civil and political rights favored by the United States and its allies and the ESCRs favored by the Soviet sphere affected Latin America as elsewhere. Unlike civil and political rights (such as the rights to life, freedom of speech, assembly, religion, fair trials, and freedom from torture),[44] which are immediately applicable, ESCRs under international law (which also implicate the right to life, as well as such rights as health, education, food, water, and housing) are "progressively realizable within available resources."[45]

While civil and political rights were the understandable focus in the immediate post-dictatorship period, the compelling nature of ESCR needs has appropriately

garnered increasing attention of some human rights activists. Progress has been made in cases of well-established universal norms like that against discrimination (as with the Commission's holding that the Convention was violated by Guatemala's law allowing husbands to determine whether their wives could work outside of the home).[46] Yet in contrast to pioneering work done, for example, by courts in South Africa[47] and India,[48] the institutions that were dealing so effectively with the region's more traditional civil and political rights agenda were unprepared and even unwilling to open what they believed would be the floodgates to cases involving ESCRs.

A relatively recent Protocol to the American Convention on Matters of Economic, Social, and Cultural Rights (the "Protocol of San Salvador")[49] entered into force in 1999 and references more specific ESCRs including the right to work (article 6), the right to health (article 10), the right to a healthy environment (article 11), the right to food (article 12), and the right to education (article 13). But the Protocol expressly provides for petitions only with respect to certain trade union associational labor rights and education, and in a case involving antiretroviral drugs and the right to health the Commission confirmed that narrow interpretation. So while the petition was admitted under the American Convention for some narrow monitoring and consideration, the Commission decided it did not have competence to determine violations of the right to health under the Protocol.[50] The Commission's consideration, combined with activism and publicity, helped make the antiretroviral drugs more available in that case. But in a subsequent case the Commission declined to determine violations of American Convention article 26 in individual cases,[51] leaving advocates to distinguish their cases by arguing on other factual or legal grounds or continuing to seek expansive interpretations of article 26 despite its own failure to specify ESCR in more detail.

Thus far, then, neither the American Convention nor the more recent Protocol has provided satisfactory grounds upon which the hemisphere's human rights commissioners or judges may adjudicate ESC rights. Victims claiming one of the two forms of rights for which petitions are expressly allowed under the San Salvador Protocol (education and trade union associational rights) are currently better poised to succeed. Certain national courts including in Costa Rica and Argentina,[52] the Constitutional Court of Colombia,[53] and the Supreme Court of Venezuela[54] have better records in cases involving access to treatment of HIV/AIDS under the right to health. Latin America also has one of the better regional records for enforcing in national courts fundamental rights to a clean and healthy environment that sustains life, as has happened, for example, in Argentina, Costa Rica, Colombia, and Brazil, among others.[55] But the growing complexities of human rights issues associated with globalization and trade demand greater system capacity, flexibility, and willingness on the part of human rights bodies if difficult cases such as these (or new cases regarding climate change) are to be addressed successfully.

Another type of case at the intersection of trade, technology, economics, politics, and globalization involves intellectual property rights. Intellectual

property rights are not only important to human scientific and cultural innovation and progress and thus human rights, as with the new drugs developed by pharmaceutical companies or beneficial new technologies in other realms; intellectual property rights also have some claim to be human rights themselves.[56] Yet they are sometimes in tension with other human rights. The Office of the High Commissioner for Human Rights has pointed out that the profit motive has meant that "Diseases that predominantly affect people in poorer countries . . . remain relatively under-researched."[57] The multilateral Trade Related Intellectual Property Rights (TRIPS) Agreement[58] of the World Trade Organization (WTO), as well as regional trade agreements like CAFTA-DR, has already been criticized for providing intellectual property rights that burden the right to health by hindering access to essential medicines. Intellectual property rights also impact biodiversity, food and agriculture including plant and plant breeding, indigenous rights and traditional knowledge, free expression including access to media and digital content, education, and privacy, among other rights issues important to human social and economic development.

In addition to intellectual property, other national and international laws, institutions, and "rules of the game" are hugely significant for human rights, including those related to trade and investment, resource extraction, privatization, taxes and tariffs, freedom of association and collective bargaining for workers, budget, health, social security, finance and credit, and education. Since these are only partially influenced by litigation of individual cases, continued careful consideration and joint efforts with civil society and NGOs, media work, and other forms of lobbying, advocacy, and pressure will have to join legal negotiation and litigation at various levels to enhance chances for successful ESCR implementation as well as progress in human rights generally. Creative joining of ESCR and civil and political rights perspectives, emphasizing discrimination and/or the areas of overlap and interrelationship, could help advance ESCRs in the region.[59] Such approaches would also seem best calculated to strengthen the existing legal recognition of the universality, indivisibility, interdependence and interrelationship[60] of civil/political rights and ESCR, thereby helping state policies to effect positive change in the lives of people on the ground.

Poverty, Housing, and Development as Human Rights Issues

Once asked what she thought was the most pressing human rights issue before humanity, Mary Robinson, then UN High Commissioner for Human Rights, unequivocally answered, "poverty." For anyone who has experienced, seen, lived in, worked with or engaged with communities living in poverty, there is little question that Robinson properly identified the most pressing systemic human rights problem today.

In Latin America, poverty is an integral characteristic of most countries (Cevallos 2007). Latin America displays the most unequal distribution of resources in the world.[61] Rights violations derived from conditions of poverty are commonplace, including the lack of proper housing for most of the inhabitants (Ferguson 2004), lack of food, lack of water and sanitation, lack of health, lack of a healthy environment, lack of equitable access to public services, lack of information, discrimination in the workplace, environmental discrimination,[62] and the list goes on. These deficiencies in turn reinforce poverty. More than 130 million people in Latin America live in slums (González 2006), many have no housing whatsoever, and most have no source of collateral, reserves, or property to borrow against, meaning few functional places for home business, and more disease, poor sanitation, domestic violence, infant mortality, and crime (Inter-American Development Bank 2006). Despite some recent improvements, with increased intra-regional trade and higher oil and commodity prices helping countries like Argentina, Venezuela, and Brazil, combined with new social programs, about two hundred million people in the region (over a third) remain in poverty, and nearly half of those live in extreme poverty on less than a dollar a day (Estrada 2007).

The sterile academic and political debate about whether rights are integrally related and indivisible completely loses meaning when people regularly die from such deprivation, rendering them devoid of life as well as dignity. In fact, poverty implies structural social and political tolerance for sustained human rights violations, and should be a central focus of every human rights tribunal. Presently, it is not.

But what does a rights-based perspective bring to combating poverty? In addition to recalling that these are not just discretionary questions of policy, but matters of legal obligation, the rights-based perspective can help transcend ideological policy debates by focusing attention on what works in practice for victims. It helps reveal interrelated and systemic root causes and gives additional normative force to our existing knowledge of the significance of the continued and appalling lack of top-down support and infrastructure (ranging from good roads and schools to broadband); it also raises awareness that relatively small-scale bottom-up assistance and incentives (access to microcredit, or that drop of antiretroviral before and after a baby is born, or some sort of shelter and access to education for children, or a nontoxic environment) can produce outsized gains. The rights-based perspective also reminds us of the value of solidarity and empathy, of putting ourselves in the position of, for example, vulnerable ethnic and indigenous peoples (now given new hope through the UN General Assembly's adopting the Declaration on Rights of Indigenous Peoples at the end of 2007).[63]

Amartya Sen's concept of "development as freedom," so influential in "rights-based development" (Sen 1999; see also UNDP 1998) emphasizes human capabilities so that people can create the sorts of lives for themselves that they envision. Sen reminds us anew that things like GDP or income growth

are mere means, and that greater freedoms constitute the primary end goal of development (Sen 1999, 3) as well as the principal means (Sen 1999, 35–6). The Human Development Report arises out of this recognition that GDP growth alone fails to measure human well-being (United Nations Development Program).[64] This broader view puts poverty and other obstacles into correct perspective, and exposes the interrelationships among rights in a way that can unleash empathy and creative understanding: if you're afflicted by disease or malnutrition or poverty, other rights may be burdened, including your right to express yourself, to education, to work, or to a life of dignity.

The severe human costs of repressing such rights are thus accompanied by severe practical costs. This practical downside to violating rights makes common sense, but has empirical support as well.[65] Growth alone does not suffice if distributed unfairly, but economic growth undoubtedly helps human rights from cradle to grave (reduced infant mortality, education, having a decent standard of living, increased healthy and happy longevity).[66] By the same token, inequality, discrimination, oppression, lack of investment in human capital, disease, denied access to credit,[67] and the resulting polarization, tension, loss of motivation, and conflict[68] come together in a noxious brew that harms not merely human rights but also macroeconomic performance and economic growth, as hope turns into anger, and desperation into despair.

Given the linkages that we have discussed between civil and political rights and ESCR, and the clear need for an integrated, holistic approach to enhance the chances of achieving sustainable development (including enduring human rights solutions), the continued susceptibility to these obstacles (and resistance of the human rights system and its funders to invest in this agenda) is curious. Prominent human rights advocates, governmental representatives, and funders continue to resist, however. They deny that, say, the right to a clean environment, or ESCR generally, will ever prosper in the human rights system. It is almost as if the shadow of the Cold War division of rights permanently blinds people to seeing the interconnected realities that so dramatically affect lives. As the UN Committee on Economic, Social, and Cultural Rights (1993) has put it:

> The international community as a whole continues to tolerate all too often breaches of economic, social and cultural rights which, if they occurred in relation to civil and political rights, would provoke expressions of horror and outrage and would lead to concerted calls for immediate remedial action. In effect, despite the rhetoric, violations of civil and political rights continue to be treated as though they were far more serious, and more patently intolerable, than massive and direct denials of economic, social, and cultural rights.

The result in Latin America? Governments and the human rights movement alike remain overwhelmingly fixated on the terrorist state of the past, including

the residual echoes sounding today through nominally new political leaders who too often seem bound by old paradigms.

The Right to Water and to a Healthy Environment

While the San Salvador Protocol is one of the few treaties expressly providing for a "right to live in a healthy environment," the Protocol's limited remedies have meant that this article 11 right has not yet been given much effect (let alone any claim on resources). The Protocol also provides for a right of "access" to basic services and that the "States Parties shall promote the protection, preservation, and improvement of the environment," but these have not been broadly construed either.

There are some decisions worth mentioning. One is the verdict reached by the Inter-American Court of Human Rights that logging concessions granted by Nicaragua affected the Awas Tingni Community land in violation of the community's constitutionally protected status.[69] Canadian mining companies subsequently lost referenda in Peru and Argentina based on similar environmental and human rights concerns. Continued environmental cases in other human rights bodies and in the Inter-American system, if properly framed, should be able to advance this jurisprudence.

Especially given the current narrow readings, however, human rights issues should be invoked not only on the back end, when attempting to pick up the pieces or correct policy or violations through litigation; they must also be brought in at the front end when planning social campaigns, government policy, development transactions, or business projects. An example of the avoidable conflict otherwise possible is the Guerra del Agua or "water war" in Bolivia in the early years of the new century (see Woodhouse 2003). There, Bechtel Corporation had been the only bidder in a contract to provide privatized water services to the populace of Cochabamba, as encouraged by the international finance institutions. But complex problems appeared immediately after the forty-year contract was signed. Bechtel increased prices dramatically and offered worse service, ultimately being essentially kicked out of Cochabamba for being complicit in the government's sacrifice of the right to water. Evo Morales and his indigenous movement received such a boost that it helped catapult him to Bolivia's presidency.

The right to water, at jeopardy for tens of millions of people in arid and semi-arid parts of Latin America (especially in rural areas),[70] is increasingly viewed as just as important an ESCR as the right to food: both are related to and partake of aspects of other rights identified in domestic and international law including to life, to an adequate standard of living, to health, and to security,[71] not to mention the impact on rights such as that to education, to work, to property, to dignity, and to cultural practices. Most diseases in developing countries trace back to polluted water. The right is also an important part of "rights-based development" and mentioned in other international

treaties and instruments, arguably including the Protocol of San Salvador's article 11 on "the right to live in a healthy environment and to have access to basic public services." In Bolivia, huge numbers have no access to sanitation: "a lack of clean water contributes to the death of every tenth child before the age of 5" (Forero 2005).[72] And the "trend is not unique to Bolivia";[73] in Haiti, one child in eight dies before age five. If you add to these considerations procedural rights, such as the right to information and the right to participation (both of which were also arguably violated in the Bechtel case, given Bechtel's failure to consult stakeholders), then you begin to appreciate how a more rights-aware approach on the part of all concerned—government, the private companies involved, and the community groups and individuals—would have been vastly preferable. It would have helped the parties spot issues, identify risks, handle the negotiations, structure the framework and attributes of the deal in ways that would have avoided or lessened the conflict and been more productive all around. More informed and intelligent approaches would not only help local conflicts like that in Cochabamba but would help mitigate the coming conflicts surrounding water in other Latin American countries and beyond.[74]

Conclusion

The Latin American region has been a beacon for human rights activism and a model for human rights tribunals and intergovernmental agencies worldwide. It has one of the most sophisticated and experienced systems for addressing human rights violations, and many success stories to mention in terms of protecting against and remedying human rights violations.

The region is also a bastion for social experimentation and a catalyst for social change, with local groups and some bold political leadership in some states willing to assume responsibility for past behavior. The collective will of the many has heralded opportunities to advance human rights protection, perhaps more than any other region of the world.

We thus come today to a new political arena, one in the midst of political and economic transformation. Corporate accountability and climate change are perhaps the two most discussed issues in many of the development agencies, and surely will find their way into the human rights processes and institutions. Already several cases suggest that the private sector plays a significant role that affects state human rights obligations, and both states and private actors can be held accountable for violations.

Climate change is another factor that looms over the region, identified by the Intergovernmental Panel on Climate Change as one of the hardest hit by changing global temperatures and carbon emissions. Once again, the most vulnerable are disproportionately affected by the actions and uncontrolled activities of the more wealthy and economically powerful. Already the Inuit population of North America has brought a complaint in the Inter-American

system against the United States for impacting its climate. While it is arguable whether we will see a flood of similar cases to the Commission, or to the Inter-American Court on Human Rights, we can expect the states in the region to begin to look at how climate change is unduly and unequitably affecting their capacity to defend and protect the human rights of their populations. This will certainly have an impact in the international climate change negotiations, affecting both possible remedial actions around adaptation and mitigation, and developed country obligations to developing nations to provide financing for such ends.

Activists and others promoting human rights in Latin America and elsewhere must begin to focus their attention on the evidently growing economic and social dimensions of human rights. This need not imply a turn away from the civil and political rights traditionally emphasized, but it certainly does mean opening eyes to the inescapable problems caused by persistent inequality and poverty.

The story of human rights in Latin America has been a disturbing, egregious one, but one not without elements of adventure, imagination, and courage that continue as the new problems today are addressed. In that adventure, imagination, and courage one may discern rays of hope that as a collective community of individuals, organizations, and governments sets its slights on progress, such progress is indeed possible.

Notes

1 We recognize that Latin American countries have diverse histories, cultures, and politics, and beg the reader's indulgence for the generalizations herein that allow us to make some points applicable to the region as a whole.
2 See, e.g., Press Release, Amnesty International, Honduras: No Justice for Indigenous Leaders: Amnesty International Adopts New Prisoners of Conscience, AI Index AMR 37/002/2006, Jan. 19, 2006, http://web.amnesty.org/library/index/engamr370022006.
3 As documented, e.g., in many of the most recent US State Department country reports for the region, http://www.state.gov/g/drl/rls/hrrpt/2006/.
4 E.g. Carothers (1991, 14, citing the nearly century-long military repression in El Salvador aimed at preserving elite economic advantage).
5 See Argentina Constitution, art. 75(22) (1994); see also, e.g., Brazil Constitution, art 5(2) (1988); Chile Constitution, art. 5(II) (1989); Colombia Constitution, art. 93 (1991); Peru Constitution, art. 105 (1978, 1993); Guatemala Constitution, art. 46 (1985); Nicaragua Constitution, art. 46 (1987).
6 Representative Democracy, OEA/Ser. P AG/RES. 1080 (XXI-0/91), June 5, 1991 (adopted at the Fifth Plenary Session, held on June 5, 1991), http://www.oas.org/juridico/english/Agres1080.htm.
7 Inter-American Democratic Charter, 28th Spec. Sess. of the OAS General Assembly, OAS Doc. OEA/Ser. P/AG/RES.1 (XXVIII-E/01), Sept. 11, 2001, http://www.oas.org/charter/docs/resolution1_en_p4.htm.
8 Compare, e.g., the discussion of democracy beyond mere elections in Zakaria (2003, 22–3).
9 Aarhus Convention on Access to Information, Public Participation in Decision-

making and Access to Justice in Environmental Matters, June 25, 1998, 38 I.L.M. 517 (entered into force Oct. 30, 2001).

10 OAS Treaty Series No. 36, 1144 UNT.S. 123 entered into force July 18, 1978, reprinted in *Basic Documents Pertaining to Human Rights in the Inter-American System*, OEA/Ser. L.V/II.82 doc. 6 rev. 1 at 25 (1992).

11 Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights "Protocol of San Salvador," Inter-Am. C.H.R. 67, OEA/ser. L./V./II.82, doc. 6 rev. 1 (1992).

12 See, e.g., Rasul v. Bush, 542 US 466 (2004).

13 Case Concerning Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. US), 1984 I.C.J. 14 (June 27) (preliminary finding that the I.C.J. has jurisdiction over the United States and the subject matter of the litigation); Case Concerning Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. US), 1986 I.C.J. 392 (Nov. 26).

14 American Convention, articles 8 and 25.

15 American Convention, article 44.

16 The OAS funds the system, and the United States funds most of the OAS budget; the unsalaried judges of the Inter-American Court nevertheless manage to produce high-quality decisions that deserve wider publication.

17 Velasquez Rodriguez Case (Merits), Inter-Am. C.H.R., Ser. C, No. 4, paragraphs 147–8 (1988).

18 Barrios Altos v. Peru, 2001 Inter-Am. Ct. H.R. (ser. C) No. 75, P 44 (Mar. 14, 2001).

19 Villagran Morales v. Guatemala, 1999 Inter-Am. Ct. H.R. (ser. C) No. 63 (Nov. 19, 1999).

20 http://www.transparency.org/regional_pages/americas.

21 For a list from the Committee to Protect Journalists for 2007 that includes many of these countries see, e.g., http://www.cpj.org/deadly/killed07.html.

22 Rios v. Venezuela, 2002 Inter-Am. Ct. H.R. (ser. E), PP 1, 2 (Nov. 27, 2002).

23 El Nacional and Asi Es La Noticia Newspapers Case, 2004 Inter-Am. Ct. H.R. (ser. E) (July 6, 2004).

24 Liliane Pierre-Paul v. Haiti, Inter-Am. Comm. H.R. (May 29, 2003).

25 Maria de los Angeles Monzon Paredes v. Guatemala, Inter-Am. Comm. H.R. (Mar. 18, 2003).

26 See, e.g., http://www.wcl.american.edu/hrbrief/10/2expression.cfm.

27 http://www.cidh.org/Comunicados/English/2004/25.04.htm.

28 Advisory Opinion OC-5/85, 1985 Inter-Am. Ct. H.R. (ser. A) No. 5, PP 76 (Nov. 13, 1985).

29 See, e.g., http://www.cpj.org/Briefings/2007/DA_spring_07/Venezuela_07/venezuela_07.html.

30 Access to information is considered by the OAS Special Rapporteur and other international experts to be a fundamental human right: Joint Declaration by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, and the OAS Special Rapporteur on Freedom of Expression, International Mechanisms for Promoting Freedom of Expression (2004), available at: http://www.cidh.org/relatoria/showarticle.asp?artID=319&lID=1.

31 Advisory Opinion OC-5/85, 1985 Inter-Am. Ct. H.R (ser. A) No. 5, P 33 (Nov. 13, 1985) (disfavoring media monopolies).

32 http://www.cidh.oas.org/relatoria/showarticle.asp?artID=74&lID=1.

33 http://www.cidh.oas.org/relatoria/showarticle.asp?artID=129&lID=1.

34 Canese v. Paraguay, 2004 Inter-Am. Ct. H.R. (ser. C) No. 111 (Aug. 31, 2004); Herrera Ulloa v. Costa Rica, 2004 Inter-Am. Ct. H.R. (ser. C) No. 107 (Jul. 2,

2004); Palamara Iribarne v. Chile, 2005 Inter-Am. Ct. H.R. (ser. C) No. 135 (Nov. 22, 2005); see also Marcel Claude Reyes v. Chile Case 12.108, Report No. 60/03, Inter-Am. C.H.R., OEA/Ser. L/V/11.118, doc 70 rev. 2, at 222 (2003) (holding access to government-held information to be a basic human right), discussed at http://www.ifex.org/en/content/view/full/78440/.

35 Herrera Ulloa v. Costa Rica, 2004 Inter-Am. Ct. H.R. (ser. C) No. 107, P 135 (Jul. 2, 2004).

36 Canese v. Paraguay, 2004 Inter-Am. Ct. H.R. (ser. C) No. 111, P 104 (Aug. 31, 2004).

37 Advisory Opinion OC-5/85, 1985 Inter-Am. Ct. H.R (ser. A) No. 5, P 42 (Nov. 13, 1985).

38 See, e.g., Human Rights Watch's reports regarding the case brought against Casa Alianza Executive Director Bruce Harris, who was then acquitted: http://hrw.org/english/docs/2004/01/21/guatem6968.htm; and http://hrw.org/english/docs/2004/02/02/guatem7210.htm; for a case in Brazil see, e.g., Journalist Gets 18 Months Detention on Defamation Charge, CPJ 2005 News Alert, May 17, 2005, http://www.cpj.org/news/2005/Brazil17may05na.html.

39 NGOs globally as well as in Latin America have exponentially increased over the last several decades. While definitional criteria vary, the *Yearbook on International Organizations* estimated at the turn of the century that by its own definitions the number of NGOs had risen from 832 in 1951 to 43,958 in 1999. [1999/2000] 4 *Yearbook on International Organizations* 547–8, 550. Today, the number is often estimated at over fifty thousand, although by broader criteria (that would include, e.g., churches, mosques, and synagogues) the estimates per country could be that many in certain countries—tens of thousands are thus registered in a country like Egypt—resulting in a count of millions of NGOs worldwide. In Latin America, a book published in the early 1990s suggested that despite definitional problems, there are thousands of NGOs working merely in the rural development sector (Bebbington et al. 1993, 88). Similarly, there were nearly a thousand NGOs working in the development sector identified in 1994 (Edwards and Hulme 1995, 73). More recent estimates based on definitions emphasizing work on behalf of human rights, democracy, and the excluded and marginalized confirm that the figure is closer to an order of magnitude of ten thousand to fifty thousand NGOs in Latin America (e.g., Balbis, 2001). Globally, the number of NGOs enjoying consultative status with the United Nations has grown from forty in 1948 to more than three thousand today. See http://www.un.org/esa/coordination/ngo/.

40 E.g. Federal Law No. 11.340 of 2006 on Domestic and Family Violence against Women (Lei No. 11.340, de 07 de agosto de 2006), D.O.U. de 08.08.2005 (Brazil).

41 See, e.g., http://www.amnestyusa.org/askamnesty/women_archive.html.

42 Ejercito Zapatista de Liberacion Nacional.

43 El Dorado dos Carajas, Petition 11.820, Inter-Am. C.H.R., Report No. 4/03, OEA/ser. L./V./II.118, doc. 5 rev. 2 (2003).

44 International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 UNT.S. 171.

45 International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1996, 933 UNT.S. 3.

46 Maria Eugenia Morales de Sierra v. Guatemala, Case 11.625, Inter-Am. C.H.R., Report No. 4/01, OEA/ser. L./V./II.111, doc. 20 rev. (2001).

47 See Government of the Republic of South Africa v. Grootboom & Others, 2001 (1) SA 46 (CC) at 79 (South Africa) (right of access to adequate housing,

progressively realizable within available resources, means that the state's program falls short if it fails to recognize the need to provide relief for those most desperate); see also Minister of Health & Others v. Treatment Action Campaign & Others 2002 (5) SA 721 (CC) at 728–30, 750 (South Africa) (government failed to act reasonably in not providing pregnant women and their children with access to the HIV/AIDS antiretroviral drug nevirapine which was safe and, for five years, free from the manufacturer therefore within available resources); cf. Odir Miranda v. El Salvador, Case 12.249, Report No. 29/01, Inter-Am. C.H.R., Annual Report 2000, OEA/Ser. L/V/II.111, Doc. 20 Rev. (2001), http://www.cidh.oas.org/annualrep/2000eng/ChapterIII/Admissible/ElSalvador12.249.htm.

48 Frances Coralie Mullin v. Administrator, Union Territory of Delhi (1981) 2 S.C.R. 516 (right to life includes right to nutrition, right to water, decent environment, and human dignity).

49 Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights "Protocol of San Salvador," Inter-Am. C.H.R. 67, OEA/ser. L./V./II.82, doc. 6 rev.1 (1992).

50 Odir Miranda v. El Salvador, Case 12.249, Report No. 29/01, Inter-Am. C.H.R., Annual Report 2000, OEA/Ser./L/V/II.111, Doc. 20 Rev. (2001), http://www.cidh.oas.org/annualrep/2000eng/ChapterIII/Admissible/ElSalvador12.249.htm.

51 "Five Pensioners" v. Peru, Inter-Am. Ct. H.R. (ser. C) No. 98 (2003).

52 See *The Right of Everyone to the Highest Attainable Standard of Physical and Mental Health: Report of the Special Rapporteur, Paul Hunt*, submitted in accordance with Commission Resolution 2002/31, UN ESCOR, 59th Sess., Agenda Item 23, P 20, UN Doc. E/CN.4/2003/58 (2003).

53 Protection Writ, Judgment of Fabio Moron Diaz, Magistrado Ponente, T-328/98 (Corte Constitucional de Colombia 1998), http://bib.minjusticia.gov.co/jurisprudencia/CorteConstitucional/1998/Tutela/T-328–98.htm; see also Alejandro Moreno Alvarez v. Estado Colombiano, SU.819/99 (Corte Constitucional de Colombia 1999), http://bib.minjusticia.gov.co/jurisprudencia/Corte Constitucional/1999/Tutela/su819–99.htm.

54 Glenda Lopez v. Instituto Venezolano de Seguros Sociales, 487–060401 (Supreme Court of Venezuela, Constitutional Chamber 1997), http://www.tsj.gov.ve/decisiones/scon/Abril/487–060401-001343.htm.

55 http://www.unhchr.ch/environment/bp6.html.

56 See, e.g., article 27(2) of the Universal Declaration of Human Rights: "everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he [or she] is the author"; The International Covenant on Economic, Social, and Cultural Rights recognizes in article 15(1) (b), (c) the right "to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author" and to "to enjoy the benefits of scientific progress and its applications"; among Latin American instruments recognizing intellectual property is the San Salvador Protocol's article 14 on "the freedom indispensable for scientific research and creative activity."

57 The High Commissioner, Report of the High Commissioner on the Impact of the Agreement on Trade-related Aspects of Intellectual Property Rights on Human Rights, P 37, UN Doc. E/CN.4/Sub.2/2001/13 (June 27, 2001).

58 Agreement on Trade-related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex

1C, Legal Instruments—Results of the Uruguay Round, 33 I.L.M. 81 (1994), http://www.wto.org/english/tratop_e/trips_e/trips_e.htm.

59 See, e.g., Dann v. United States, Case No 11.140, Inter-Am. C.H.R. 113/01 (2001), at paras 133–45 (Inter-American Commission decides that United States discriminated and violated the Danns' right to equality before the law under the American Declaration by failing to consider Western Shoshone's property interest in ancestral lands).

60 World Conference on Human Rights, June 14–25, 1993, Vienna Declaration and Programme Of Action, P 5, UN Doc. A/CONF.157/231 (July 12, 1993).

61 Economics A–Z, Economist.com, http://www.economist.com/research/Economics/alphabetic.cfm?LETTER=G#GINI%20COEFFICIENT ("Latin America is the world's most unequal region, with a Gini coefficient of around 0.5; in rich countries the figure is closer to 0.3").

62 See Jorge Daniel Taillant: Environmental Discrimination, Themes and Issues (CEDHA Working Paper, 2000), available at: http://www.cedha.org.ar/docs/doc24.doc.

63 See, e.g.,"United Nations Adopts Declaration on Rights of Indigenous Peoples," UN News Centre (Sept. 17, 2007), available at: http://www.un.org/apps/news/story.asp?NewsID=23794&Cr=indigenous&Cr1.

64 UNDP, *Human Development Report*, http://www.hdr.undp.org.

65 E.g., Easterly (2001, 267–8, 272–3, 276–7); see also, e.g., Shorrocks and van der Hoeven (2004) discussing growing empirical evidence that growth is not correlated with inequality.

66 The sorts of benefits measured by the UN's Human Development Index: see http://hdr.undp.org/en/statistics/.

67 See Thorsten Beck, Asli Demirguc-Kunt and Ross Levine, *Finance, Inequality and Poverty: Cross-country Evidence* (World Bank Policy Research Working Paper No. 3338, June, 2004), available at http://www.econ.worldbank.org (poverty, inequality, and e.g. child labor may decrease where financial intermediaries exist).

68 Poverty has also been recognized as a root cause and contributing factor to some of Latin America's worst conflicts. See, e.g., Comision de la Verdad y Reconciliacion, *Informe Final* 2003, available at http://www.cverdad.org.pe/ifinal/index.php.

69 Mayagna (Sumo) Awas Tingni Cmty. v. Nicaragua, Case No. 79, Inter-Am Ct. H.R., Ser. C. (2001), at paras 103, 152–3 (not decided expressly on grounds of the San Salvador Protocol).

70 http://www.aguabolivia.org/situacionaguaX/GWP/samersid.pdf.

71 Bolivia's Constitution, for example, recognizes the rights to life, health, and security. See, e.g., Constitucion Politica de Bolivia de 1967 art. 7(1) (amended 1994).

72 Juan Forero (2005, C2). Although child mortality is down in recent decades, it remains high at 31 per thousand births in 2005 compared with 54 per thousand in 1990. See Martin (2007, citing UN statistics).

73 Ibid.

74 Water issues are only becoming more acute. See "UN Calls Water Top Priority," *Seattle Post-intelligencer* (Jan. 24, 2008), available at: http://seattlepi.nwsource.com/national/1103ap_world_forum_water_scarcity.html.

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12 Latin American Democracy and the Media

Don Bohning

The old adage that "the more things change, the more they remain the same," is, appropriately enough, attributed to the nineteenth-century (1808) French journalist Alphonse Karr. If Karr were alive today, he might still be saying much the same thing about the state of the media in Latin America.[1] During the decades from the mid- to late twentieth century and into the twenty-first century, many of the countries of the region transitioned from governments directed largely by military dictatorships to those governed by democratically elected officials. Any discussion of Latin America democracy and the media automatically excludes Cuba, where little with respect to the media has changed in the last half century. As Reporters Without Borders, reflecting a sentiment shared by other media monitoring organizations, declared in its 2007 annual report covering the year 2006: "Cuba, the last dictatorship of the Americas . . . remains the world's second largest prison for them [journalists], with 24 detained. President Fidel Castro's handover of power to his brother Raul on 31 July [2006] did not soften the regime's attitude to dissident media and secret police hounding of journalists increased in the second half of the year" (Reporters without Borders 2007).

For the rest of the region's media, including print, radio, television, and now the internet, the transition was as much cosmetic as substantive, with the new democratic regimes facing new challenges as well as existing ones from the dictatorial era. Among the new ones is adapting to the so-called "new populism" governing style as personified by Venezuelan President Hugo Chávez, and extending to Bolivia and Ecuador, with the likelihood it will take root elsewhere in the hemisphere. While the repercussions of the "new populism" are yet to be defined, foremost among the existing challenges confronting the region's media today are physical attacks against journalists as manifested most prominently in Mexico and Colombia.

According to the Investigating Commission of Attacks on Journalists (CIAP by its Spanish acronym), headed by Hector Uribe, a Chilean journalist, and affiliated with the Latin American Federation of Journalists (known as FELAP, its Spanish acronym), twenty-eight journalists were murdered and five others disappeared in eight Latin American countries during calendar year 2006. As Uribe noted, "with 10 deaths, Mexico continues to boast the dubious

distinction of being the most dangerous nation for journalists to ply their trade" (Uribe 2007).

The problem is not a new one. In the mid-1990s, the Miami-based Inter American Press Association (IAPA) began an "Impunity Project" to deal with unpunished crimes against journalists. It is an effort that continues today (Inter-American Press Association 2007). In reporting on the project at the IAPA's October 1996 General Assembly in Los Angeles, the organization's then president David Lawrence, who was publisher of the *Miami Herald* at the time, reported that in the previous eight years "171 journalists have been murdered in the Americas. More than a thousand others have been attacked, hurt, threatened. Countless others, in ways sometimes subtle yet powerful, have been intimidated" (Lawrence 1996, 10–11). The project's initial focus was on the cases of six murdered journalists in three countries: Colombia, Guatemala, and Mexico. It has subsequently been broadened to include the entire hemisphere.

At the same 1996 session in Los Angeles, Jorge Castañeda, academic, author, journalist and Mexico's onetime foreign minister, spoke to the group about the Latin American media. His comments are as relevant now as they were when he delivered them more than a decade ago, not only regarding unpunished crimes against journalists, but in a broader sense as they relate to Latin American democracy and the media. A major function of the region's media in recent years has been its role in building an "elusive democracy in Latin America," said Castañeda, which in turn helps explain the rash of attacks against journalists and freedom of expression in Latin America. As a result, the region is one where institutions such as political parties, labor unions, and civic organizations "have displayed a constant and pathetic weakness" confronting state power. The obvious result is that, when another journalist is murdered in Latin America, the region has lost another defender of democracy throughout the continent where "the struggle to democratize political life is indissolubly linked with the struggle to abolish the violence against the press and freedom of expression." He concluded with the observation that, if it were not for the press, in many countries of the region there would be no one to uncover "the excesses, thievery, collusion with drug traffickers, contempt of human rights, vote rigging and the plain and simple governmental ineptitude." Neither was it "no coincidence" that six of the first impunity cases the IAPA was investigating were linked to government corruption and drug trafficking.[2]

Formed in the immediate post-World War II period, the Inter American Press Association has played a major role in the hemisphere media for some six decades. It should be noted, however, that in some quarters of Latin America, where class and cultural distinctions are more pronounced than in the United States, the organization is sometimes viewed as an elite club of publishers looking out for its own interests and not always supportive of working journalists and causes that might affect those interests. One of the more egregious examples is that of Agustin Edwards, the owner of *El Mercurio* in Chile, who, according to numerous published accounts and declassified documents, conspired with the Nixon Administration and the US Central Intelligence Agency in working to

prevent the 1970 democratic election, and then supporting the 1973 military coup against, Marxist President Salvador Allende. Edwards and *El Mercurio* were to become staunch supporters of General Augusto Pinochet, who seized power with Allende's overthrow, running a brutal military dictatorship (Kornbluh 2003). On the other hand, the IAPA supports and runs numerous training and other programs to upgrade media professionalism throughout Latin America and the Caribbean. In addition to its impunity and training programs, it regularly calls international attention to governmental and other efforts to restrict the media. Nonetheless, the media remains under siege from those both in government and out—from the Rio Grande to Tierra del Fuego—who would like to neuter its "watchdog" role against tyrannical and/or corrupt regimes. As Jake Dizard, a Latin America analyst for Freedom House, an international non-profit group dedicated to promoting freedom worldwide, wrote in an article appearing on the opinion pages of the May 3, 2007, edition of *The Miami Herald*:

> In one sense, some of Latin America's press-freedom issues are problems of success: with the hemisphere-wide transition from dictatorship to democracy in the 1980s and 1990s, the media environment opened considerably. . . . In this liberated environment, journalists discovered an audience for stories about official misconduct (especially corruption) and crime. Yet this placed reporters in the cross-hairs of powerful actors who felt threatened by the new watchdogs. (Dizard 2007)

As Dizard indicated, the difference between the dictatorial governments of the past and the current, largely democratic ones is that the latter generally employ more subtle means in bringing troublesome independent media to heel. Such means range from draconian laws regarding licensing, defamation, and other legal maneuvers, to the withholding of government advertising, official secrecy, public ostracism and even deportation. One of the more extreme examples is that of Baruch Ivcher, an Israel-born Peruvian businessman who had become a naturalized Peruvian citizen and was the majority owner of the Frequencia Latina television station in Lima, the capital. The station had carried a series of critical reports in the 1990s, exposing torture and corruption in the military under President Alberto Fujimori. Bucher was stripped of his Peruvian citizenship and, as a consequence, the right to own a television station. The government claimed there had been "administrative irregularities" in the processing of his application for citizenship, which had been granted thirteen years earlier. Investors with close ties to the Fujimori government then seized control of the station (*New York Times* 1999). Earlier in Peru, in 1992, Gustavo Gorriti, a prominent journalist in the country who had been writing articles linking Peruvian officials to the drug trade, was essentially "kidnapped," along with his computer, from his home, by government security officers. His detention was officially acknowledged the next day, and he was released the day after that. But threats against him and his family continued, so Gorriti fled the country.[3]

One has only to peruse reports by the various international media monitoring groups, among them the Committee to Protect Journalists, the Inter-American Press Association, Reporters Without Borders, the International Federation of Journalists, Freedom House, and others, to see the scope of the effort by governments and individuals to undermine an unfettered media in Latin America and the Caribbean yet today (Kalekar and Puddington 2006). Specific examples of what the Latin American media confronts today can be found in the country reports issued regularly by the media monitoring groups and available on their websites. While the challenges are ever-shifting, and vary from country to country, an overview of those reports below offers a snapshot of the many concerns facing the Latin American media in the new democratic age.

Latin America

Offering its regional outlook, Reporters Without Borders, a Paris-based monitoring group, began its 2007 report by asking: "Do economic development and democracy ensure true freedom of expression?" It answered its own question: "Not if you judge by the 2006 record in the Americas, where the holding of twelve major elections was offset by a grim toll for journalists." The report said that the figure had risen from five journalists killed in 2002, to twelve in 2004 and to sixteen in 2006, in addition to four who disappeared. Unsurprisingly, Mexico and Colombia topped the list, with Mexico recording nine of those killed and three missing. Colombia listed three killed. In addition, Argentine publisher Jorge Fascetti, a past president of the Inter-American Press Association, told the press group that most of the killers had not been arrested, adding that "the problem is also the impunity. Impunity is terrible" (*Miami Herald*, October 17, 2007: 12a).

Argentina

A major complaint concerns government officials accused of doling out public funds for advertising to favored outlets, while bypassing those who are critical of the government. Argentine officials also have been heavily criticized for failing to keep the public informed by avoiding regular press conferences and granting interviews only to favored outlets, while restricting access to less favored media. The ongoing criticism, says the report, reflects an "attitude of suspicion and distrust toward the media detected in official circles." It remains an attitude widely held by officials in many Latin American countries, in reaction to a media that sees its role as a "watchdog" at all levels. Freedom House accused the Argentine government of then President Nestor Kirchner for showing "little tolerance for press freedom." Kirchner's wife, Cristina, succeeded him as president in 2007. Reporters Without Borders criticized the outgoing president for failing to hold press conferences, intimidation, and blackmail by withholding advertising, all weapons aimed at hampering a free media in the country.

Bolivia

Media monitoring groups describe President Evo Morales, the first head of state from the country's large indigenous population, as less than media-friendly. The country's media outlets have come under heavy pressure through various means, including open and veiled threats, according to the IAPA. In its October 2007 assessment, the organization said categorically that Morales "has created a hostile climate" for the media. It is a view echoed by other monitoring organizations, including Freedom House, which sees the Bolivian press compromised by insufficient legal guarantees.

Brazil

In both its mid-year and October 2007 reports, the IAPA expressed serious concern about judicial rulings and what it called "worrisome precedents against press freedom" in Brazil. Violence against local media has become an issue again, with the murder of a journalist by a town councilor near Rio de Janeiro because he had reported on financial irregularities. Several other journalists in various parts of the country were targets of non-fatal attacks. On a more positive note, President "Lula" da Silva vetoed a bill that would require journalists to have a diploma and belong to a journalism institute.

Chile

Generally, the atmosphere in Chile is seen as less inhibiting for press freedom than in most other countries of the region, although concern has been expressed about the unavailability of access to official sources. It is a common complaint throughout the region. Nevertheless, suggestions have surfaced in recent months that would impose greater regulation on local media. One suggested new law would expand the definition of a journalist and would include jail time and a fine for anyone "who calls himself a journalist without complying with the requirements of the press law, that is . . . a college degree." According to the IAPA's October 2007 monitoring report, sixteen press-related bills were being considered, of which "five or six could have significant repercussions." As elsewhere in the hemisphere, placement of government advertising has been an issue, a weapon to be used against uncooperative media. Still, the IAPA concluded, there were "no significant impediments" for the press to do its job in Chile, but some existing legislation needed to be updated.

Colombia

Reports on press freedom have rarely varied in recent years, generally citing Colombia and Mexico as the most dangerous places in the hemisphere for a journalist to practice his or her trade. They are daily challenged with an ongoing climate of threats and intimidation throughout much of Colombia. One study attributed to the Foundation for Press Freedom reported that during a

six-month period, in eight Colombian provinces there had been thirty-two threats against journalists. The threats were said to have prompted three journalists to go into exile and eight others to leave their home regions. Often, those journalists who are not assassinated or go into exile resort to self-censorship for reasons of personal safety. It has also become increasingly difficult for a journalist to determine who his or her enemy actually is, as government forces and right-wing paramilitary groups battle a long-standing guerrilla movement in vast areas of the country. Additionally, according to Reporters Without Borders, a three-year-old "Justice and Peace Plan" that ended in April, 2006 with the demobilization of some thirty thousand right-wing paramilitaries in exchange for not being punished has had its consequences. "The plan satisfied nobody," said the media monitoring group, "especially local journalists, who continued to be threatened by these predators of press freedom . . . who were not disarmed and who simply switched to drug-trafficking and contract killings."

Costa Rica

Legal action, not violence, is a significant threat to the media in Costa Rica. The Costa Rican court–media conflict has long been at the center of the country's press problems. It dates back to the mid-1980s when Costa Rican law required that only graduates of the Colegio de Periodistas could work in the Costa Rican press. In a 1983 test case, Stephen Schmidt, an unlicensed American working for the English-language *Tico Times*, was found guilty and given a one-year suspended sentence. In 1985, a ruling by the Inter-American Court of Human Rights ruled unanimously that press licensing was not only a violation of Schmidt's freedom of expression but a denial of "the right of the public at large to receive information without interference." Despite an international outcry, it wasn't until 1995 that the Costa Rican Supreme Court overturned the licensing law (*Time*, December 16, 1985; *New York Times*, March 30, 1995).

Dominican Republic

As in Costa Rica, press-monitoring organizations view legal threats against the media as the greatest challenge to press freedom. Most such threatened or actual legal actions stem from a general intolerance among some sectors of society—both individuals and government officials—that fear aggressive media coverage of their actions. The result is a flurry of legal cases filed against various press outlets, keeping media executives on the defensive, diverting resources and attention from their "watchdog" role. The editor of *Listin Diario*, a major newspaper in the country, complained that the paper had been subjected to pressure from the Central Bank, including an advertising boycott and other types of harassment, for more than two years. Individual journalists have also reported being threatened and otherwise intimidated.

Ecuador

Under US-educated President Rafael Correa, this Andean country on South America's Pacific coast has been converted into one of the more hostile locales for the local media. An indication of Correa's antipathy toward the press, according to an IAPA report, came in his January, 2007 inauguration speech with a call for Ecuadorians to sue media organizations. "Citizens, bring trial to the media outlets that violate the truth," Correa urged. In addition, he has repeatedly attacked both individual journalists and media outlets. A pro-Correa Constitutional Assembly convened in November, 2007 to write a new constitution approved a 444-article draft in July 2008 which was to be submitted to a national referendum September 28, 2008 (Associated Press, July 25, 2008).

Guatemala

Journalism in Guatemala remains a risky profession, as it has been throughout much of the country's recent violent history. However, media-monitoring groups reported a "marked improvement" in conditions under the four-year presidency of Oscar Berger, which ended in January, 2008. Berger was succeeded by Alvaro Colom, a social democrat, who was expected to preside over a moderate administration, including a tolerant attitude toward the media. Nevertheless, attacks on journalists have continued, as have problems related to freedom of information, with Guatemala lacking any legislation on the subject. There are also ongoing reports of police intimidation of journalists.

Haiti

Threats and attacks against journalists, as well as the general public, by gangs, common criminals, and political partisans, remain a danger of daily life in the country, despite a substantial presence of foreign troops and an elected government under President Rene Preval. An independent committee of journalists, headed by Guy Delva, a veteran Haitian newsman, was formed in August, 2007, to assess the progress of unsolved crimes against journalists from 2000 to 2007. The committee, which Preval endorsed, will review police and court files in the killings and try to determine why they are stalled. The highest profile case on the list is the slaying of Jean Dominique, perhaps Haiti's most prominent journalist, as he arrived at his radio station in the spring of 2000.

Honduras

Similarly to Costa Rica and the Dominican Republic, legal actions against journalists—including some brought by governmental institutions—are among the bigger threats to an unfettered media and freedom of expression. In September, 2007, for example, the manager of the state telecommunications company filed a series of lawsuits against journalists for published reports of misappropriation and diversion of funds. The lawsuits, combined with a general

climate of insecurity that includes physical attacks on journalists, have inhibited them from doing their job.

Mexico

Along with Colombia, Mexico remains the most dangerous country in the hemisphere for the practice of journalism. Thirty-one journalists were murdered during the six-year presidency of Vicente Fox, ending in 2006. The National Human Rights Commission described it as "journalism's six dark years." It hasn't let up much since Felipe Calderon succeeded Fox as president. Unfortunately, as in numerous other hemisphere countries, the impunity for crimes against journalists serves only to fuel more of them. In addition to violent attacks against journalists, press-monitoring organizations cite efforts "by certain governments at various levels" throughout the country to control the press, which adds to the challenges for a free press. Pending legislation would make it a federal offense to commit a crime against freedom of speech; make targeting a journalist an aggravating circumstance in a crime; and make crimes against journalists exempt from the statutes of limitation.

Panama

Investigative journalism in Panama suffered a setback with restrictions imposed by a new Penal Code, although it contained no significant changes regarding freedom of expression. As an example, under the new Penal Code release of documents without "proper authorization" would be a criminal act, as would "following" or "spying" on someone without authorization from authorities. The new code took effect in May, 2008. It also imposes heavy penalties for "crimes against the state," for anyone revealing information that under state security laws is considered confidential. Violation can result in sentences of two to four years in prison under certain circumstances.

Peru

From the standpoint of the Inter-American Press Association, significant progress has been made in press freedom and against impunity in crimes against journalists. The group hailed President Alan Garcia for signing the IAPA-initiated Declaration of Chapultepec, committing his administration "to observing and safeguarding freedom of speech," and urging other government agencies to do something about the impunity that envelops crimes against journalists. Garcia also expressed support for the creation of a national court to hear cases involving crimes against journalists and freedom of speech. Despite the positive signs, the media in Peru remained targets of intimidating physical attacks and threats of legal actions. Reporters Without Borders noted that Peru had retained the regional record for "daily physical attacks and threats against the media, with more than 100 during the year [2006]."

The Challenges Ahead

The preceding sketches represent only a sampling of the existing or potential challenges posed at any given moment for the media in the emergent new democracies of the hemisphere. Those challenges come not only from attacks on journalists but also from self-serving media restrictions often proposed or imposed by democratically elected officials—or their friends and supporters—to prevent exposure of their misdeeds, ranging from corruption to personal behavior. The more profound question—and one that may take years to fully answer—is the longer term impact of the region's growing "new populism" on the Latin America and Caribbean media. Venezuelan President Hugo Chávez is the poster boy for the "new populism," which he sees as "Twenty First century Socialism." He has his acolytes in Bolivia's Evo Morales, Ecuador's Rafael Correa and, to a lesser degree, in several other countries. With Chávez setting the pace, it would seem Latin America has reason to be concerned if a variety of media and human rights watchdog reports and news accounts of events in Venezuela are to be taken seriously. The Inter-American Press Association's mid-year 2007 report declared that "Venezuelan President Hugh Chávez's drive to suppress press freedom, which is enshrined in Article 57 and 58 of the Constitution, is continuing with ever more serious and defiant threats" (Inter-American Press Association 2007). A May 25, 2007 press release by the Inter-American Commission on Human Rights, an arm of the Organization of American States, expressed "concern with respect to the progressive deterioration of the exercise of freedom of expression in Venezuela," adding that

> while there is broad discussion and criticism of government policies via the media in Venezuela, in some cases this legitimate activity has resulted in intimidating acts or indirect pressure against the exercise of freedom of expression in a democratic society . . . the Commission calls on the Venezuelan state to protect, within the parameters of international human rights law, both expressions favorable to its political views and objectives as well as those which are critical. Such are the demands of pluralism, tolerance and the spirit of openness, without which a democratic society does not exist. (Inter-American Commission on Human Rights 2007)

Two bitterly fought national referendums, one in August, 2004 for Chávez's recall, and the other in December, 2007 for a proposed new constitution, demonstrated the country's severe polarization—including the media—between Chávez and his supporters and the opponents of his government. Voters rejected the recall by 59 to 41 per cent, with Chávez supporters hailing victory and opponents claiming fraud.

Jennifer McCoy, director of Atlanta's Carter Center and an election monitor for the recall vote, observed that, although there is a "vibrant media" in Venezuela, it

> tended to polarize throughout the conflict . . . the private media took a

> political position, not only in its broadcasts but also through media owners, who played a major role in determining opposition strategy, while the public media espoused the government line and privileged government supporters in its broadcasts. Venezuelan political actors tended to communicate with one another through the media, rather than directly, exacerbating the divisions in the country. (McCoy 2006)

While the recall referendum had no direct affect on an already polarized media, it did accentuate that polarization and the outcome strengthened Chávez's hand in efforts to further stifle a free press. In December, five months later, Chávez turned to the pro-government National Assembly for approval of controversial legislation that increased criminal penalties for defamation and broadened the categories of government officials protected by insult laws. Six days after that he signed a widely condemned media content law that put greater restrictions on daytime television and radio.

In December, 2007, Venezuelans voted on Chávez's constitutional reform package, which called for changes in 69 of the 350 articles in the existing document. The changes were aimed at further consolidating his "Twenty First Century Socialism" by concentrating more power in the presidency. Led mainly by university students, the referendum was defeated by the narrowest of margins (51 to 49 per cent). Other provisions in the proposed new constitution would have given him control over the Central Bank and its reserves and weakened protection of private property. A provision affecting the media declares that the right to information would no longer be guaranteed during a state of emergency, which could "last as long as the conditions that caused it." Jose Vivanco, Americas director for Human Rights Watch, an international human rights monitoring group, charged that such an amendment "would enable President Chávez to suspend basic rights indefinitely by maintaining a perpetual state of emergency."[4] But nothing stirred as much prolonged media controversy—domestic and international—as Chávez's announcement on December 28, 2006, that the license of Radio Caracas Television (RCTV) would not be renewed when it expired. He accused the channel of being "pro-coup." The license expired and the station was shut down on May 27, 2007, provoking a four-day outpouring of mostly youthful protesters chanting anti-government slogans in major cities across the country. Globovision, a twenty-four-hour independent news channel which can only be viewed on pay cable outside the cities of Caracas and Valencia, carried the protests live. Tves, the state-run channel that replaced RCTV, ran cartoons and old movies during the protests. The response from the international community was strong.

A May 24–8, 2007, fact-finding mission sent to Venezuela by Reporters Without Borders declared the "decision to close *RCVT* and transfer its terrestrial broadcast channel to a new public TV station, *Televisora Venezolana Social* (*Tves*), were conducted outside of all regular legal channels and in defiance of the jurisprudence established by the Organization of American States" (Reporters Without Borders 2007). The half-million-strong International Federation of Journalists (IFJ) also reacted, declaring in a press release that the

decision by Chávez to shut down RCTV and other remarks questioning the future of free trade unionism "signal a working development for media pluralism and union rights in Venezuela." The IFJ warned that closing the station, which "has been staunchly critical of the President, while reinforcing the government's influence and control over 200 media outlets is potentially a 'catastrophe for pluralism and social rights' " (International Federation of Journalists 2007). The Chávez government didn't stop with RCTV, warning Globovision, a twenty-four-hour news channel, that it would be investigated by the government for allegedly inciting an assassination attempt against Chávez. The evidence: footage shown on the station of a 1981 attempt on Pope John Paul II accompanied by Panamanian Salsa star Ruben Blades singing "*Have faith, this does not stop here*." Information Minister William Lara also accused CNN of inciting violence against Chávez and "campaigning against Venezuela" by showing an image of Chávez next to a picture of an Al-Qaeda leader. On May 29, two days after RCTV went off the air, Chávez, in a speech all television stations were obliged to carry, warned Globovision to "take a tranquilizer . . . slow down, because if not, I'm going to slow them down" (Gould 2007). Globovision Director General Alberto Ravell called the charges against his channel "ridiculous," adding that he was worried about the government offensive against his channel. "If this government, with one stroke of the pen, closed the oldest television station in the country (*RCTV*), that has been on the air for 53 years, how will it not be able to shut down this station which is far smaller?" was a question Ravell posed to Reuters news service. Answering his own question, Ravell said, "this is a country with a single party and a single trade union. Now it appears there is going to be a single channel" (Oliver 2007).

A more damning independent condemnation came from the Committee to Protect Journalists (CPJ) in an opinion column posted on the *Miami Herald*'s website August 3, 2007. Written by Carlos Lauria, Americas program coordinator for the New York-based media monitoring organization, it began by stating:

> Venezuelan officials' increasing intolerance of free speech and press reached a new low this week. A group of cable-television channels narrowly escaped being taken off the air, and President Hugo Chavez declared during his six-hour long weekly television and radio address that foreigners who criticize him or his administration while visiting the country will be expelled from Venezuela. Though analysts believe this is just another example of the president's inflamed rhetoric that won't result in any concrete actions, Chavez has ordered high-ranking officials to scrutinize statements made by foreign dignitaries and deport any outspoken critics while carrying out a deliberate strategy to control Venezuela's media. (Lauria 2007a)

While the RCTV shutdown dominated attention, not to be overlooked, and perhaps much more significant over the longer term for inhibiting the media, are other actions, including promulgation of restrictive laws, taken earlier in the Chávez administration.

As noted in the IAPA'S mid-year 2007 Report, a Venezuelan Supreme Court decision of June 12, 2001, imposed restrictions on freedom of expression. Another Supreme Court decision of December 18, 2003, denied the effect of international treaties on human rights and declared that recommendations of international organizations such as the Inter-American Commission on Human Rights, are not mandatory and freedom of expression is not an absolute human right. "These decisions," said the report, "were used to amend the Penal Code to classify dissidence as a crime and to enact [in late 2004] the Law on Social Responsibility in Radio and Television, intended to control the content of private broadcast media outlets." The IAPA assessment also charged that at the same time the Chávez government acts against journalists and independent media outlets, it

> uses its three official television stations and the international one, *Telesur*, as well as its radio networks and so-called community radio stations throughout the country to broadcast programs dedicated almost totally to ideological indoctrination and government propaganda. A plan for what is called 'alternative media,' developed with Cuba, was announced. Twenty-six new 'community media outlets' have been opened out of 128 planned, comprising 100 FM stations and 28 television channels. (Inter-American Press Association 2007)

Amendments added to the Penal Code in 2005 under the Law on Social Responsibility in Radio and Television prompted Jose Miguel Vivanco, Americas director at Human Rights Watch, to declare that "by broadening laws that punish disrespect for government authorities, the Venezuelan government has flouted international human rights principles that protect freedom of expression. While countries across Latin America are moving to repeal such laws, Venezuela has enacted further restrictions on the press that will shield officials from public scrutiny." The Human Rights Watch statement noted that the amendments would expand existing provisions and make it a criminal offense to insult or show disrespect for the president and other government officials. It added that the measures run counter to a continent-wide trend to repeal such "disrespect" (*descato*) laws. "These new provisions add to the arsenal of press restrictions already at the government's disposal," said Vivanco. "By further criminalizing criticism of government authorities, these laws will restrict the public's ability to monitor abuse by those in power" (Vivanco 2005).

Freedom House, in a lengthy country report on Venezuela in its 2006 Countries at the Crossroads series, stated: "Although the constitution provides for freedom of the press, exercise of that right is difficult in practice, with press laws, in the worlds of one foreign journalist, 'designed to be enforced selectively, and to intimidate' " (Freedom House 2006). And this from Reporters Without Borders 2007 report regarding Venezuela: "The spate of laws pushed through by the government in 2004 and 2005, greatly curbing press freedom, began to be applied during the year [2006] after being little used until then" (Reporters Without Borders 2007). For example, two media outlets were sanctioned under

a November, 2004, law that allows media outlets to be fined up to 2 per cent of their operating income. In March, 2005, a new law was introduced that allowed penalties for "insulting" public officials and institutions.

Despite the onslaught of criticism from international media-monitoring groups, Chávez's "Twenty First Century Socialism" has both current and prospective hemisphere adherents. Bolivian President Evo Morales and Ecuadorian President Rafael Correa identify with Venezuela's Chávez and the "new populism," although neither has yet aroused the criticism and concern of international media-monitoring groups to the extent that Chávez has. That is changing with the stepped-up anti-media rhetoric and actions which indicate both Morales and Correa may soon replicate Chávez regarding their local media. In Bolivia, the International Freedom of Expression Exchange (IFEX) issued an alert on August 24, 2007, to the effect that two days earlier the office of the country's Telecommunications Superintendent (SITTELL), a government regulatory body, had seized the broadcasting equipment of Channel 20 television. SITTELL claimed the station's license permitted it to operate only in Vinot, but not in Cochabamba, where its studios are based, or in Quillacolla, where its antenna is located. The station director complained the seizure was retaliation for her criticism of the government on her program (International Freedom of Expression Exchange 2007). The IAPA began its mid-2007 country report on Bolivia with the observations that "these do not appear to be the best of times for press freedom in Bolivia. The current administration seems uncomfortable with press freedom and believes that any published criticism of its words or actions is part of a conspiracy against it. Thus prejudiced, the administration attacks, discredits and restricts the work of the press." The assessment added that "the president's support in the media comes mainly from radio stations, while his critics are mainly television stations and print outlets" (Inter-American Press Association 2007).

The Committee to Protect Journalists (CPJ), in a special report by Carlos Lauria posted on its website September 25, 2007, had this to say about Morales and the Bolivian media. "Morales has accused the media as being his biggest enemy. To that end, he released a list of the most hostile journalists," published in September, 2006, by the government news agency Agencia Boliviana de Informacion (ABI) and pro-government *Juguete Rabioso.* The list included journalists and managers from prominent radio stations (Radio Fides and Radio Oriental), newspapers (*La Razon* and *El Mundo*), and television stations (the PAT, Red Uno, and Unitel). Morales told a CPJ delegation at a meeting with him in June, 2007, that "the capitalist system is using the media against the government. Journalists sympathize with me, but the media owners are aligned in a campaign against my government." He said the press was "discriminating against the indigenous people," of which he, Morales, is one. As Lauria observed in his special report, although "top government officials have asserted that they want to promote free expression, Bolivian journalists and free-press advocates are concerned about several constitutional proposals that restrict the work of the press. One measure appears to peg 'free' expression to what the government

would consider truthful; another would establish an official ombudsman to act against perceived defamation." Lauria views the Venezuelan example as part of a growing trend toward confrontation with the media among Latin American leaders. He cited Venezuela's Chávez as the "starkest example" of one "who has made media bashing a part of his daily arsenal and has moved to restrict the flow of information" (Lauria 2007b).

The government-media situation with US-educated President Rafael Correa in Ecuador appears to be headed down much the same confrontational path as in Bolivia with Morales. A pro-Correa Constitutional Assembly finished its work in late 2007 with a national referendum called for September 28, 2008 on a new constitution but Correa had forewarned it would put greater controls on the media. An early indication of conflict between the media and the Correa administration came March 3, 2007, when Correa demanded the press admit it had inaccurately reported on alleged negotiations between the government and the political party Sociedad Patriotica aimed at winning a referendum that would lead to the Constitutional Assembly. Six days later on March 9, the Ecuadorian Association of Newspaper Editors (AEDEP) pleaded for compromise from the president, Congress, and Electoral Supreme Court, for the good of the country. That brought a harsh and immediate response from Correa, who characterized the AEDEP's plea as "immoral . . . and also corrupt," because it implicitly described the three branches as equals. The same day the government's General Communications Office sent a letter to AEDEP, "claiming its statement borders on actionable" and demanded "an immediate public correction of this extremely serious accusation against the highest office in the country." The next day Correa described Ecuador's print media as "news mafia," and called for a protest march to "show the media outlets that have sold out to powerful interests—the ousted political mafia—that there is no going back." In September, 2007, according to the Ecuadorian newspaper *El Universo*, Correa charged in a radio address marking the eight-month anniversary of his presidency that "the greatest danger for democracy is the concentration of the means of communication in private hands with their own interests, because they can create non-existent truths." He also said that greater media controls would be established by a Constitutional Assembly whose members were to be elected September 30, 2007.

While Venezuela, Bolivia, and Ecuador are those countries where the media are currently confronted with the most governmental pressures, it seems likely others may follow under the banner of "new populism." Most likely candidates include Nicaragua, Argentina, Uruguay, and even conservative El Salvador depending on the outcome of the 2009 elections. There is little doubt that the Latin American media today are among the greatest defenders of democracy existing in the region. However, even with the emergence of democratic governments beginning in the late 1970s, the media remain under siege from those both in government and out—from the Rio Grande to Tierra del Fuego—who would like to neuter the media's "watchdog" role against tyrannical and-or corrupt regimes.

Mexico and Colombia appear likely into the foreseeable future to remain

those countries where journalists face the greatest personal risk, from either drug gangs or guerrillas, or a combination of both. Mexico did, however, provide one of the more positive recent media developments with the April, 2007, signing by President Felipe Calderon of legislation that effectively eliminates criminal defamation, libel, and slander at the federal level. That made it the second country in Latin America, after El Salvador, to repeal defamation as a criminal offense. In another positive development, at its October, 2007, meeting in Miami, the IAPA noted that more countries are assigning prosecutors to investigate the killing of journalists, convictions are on the rise and in several nations stiffer penalties are being doled out and statutes of limitation are being lifted. Some countries are considering bills to make murder of a journalist a federal crime.

In the previous decade, according to the IAPA, sixty-four investigations had been completed and eighty-two people were in prison or had served sentences for killing journalists. The group added that as recently as 1995 there were virtually no convictions or even investigations of murdered journalists in Latin America and the Caribbean. Examples in 2007 included the sentencing of two men in Costa Rica to thirty-five years in prison for the killing of a Costa Rican journalist in 2001; the sentencing in the Dominican Republic of a gang leader to thirty years in prison for the 2004 murder of a local journalist; the sentencing in Haiti of two gang leaders for the 2005 murder of a Haitian journalist. Reporters Without Borders, in its 2007 report, said that in Brazil relations between the government and the media eased in 2006. In addition to vetoing a bill that would require journalists to have a diploma and belong to a journalism institute, President "Lula" da Silva signed the IAPA's Declaration of Chapultepec on press freedom.

The advent of democracy in virtually all of Latin America over recent decades has meant resolution of some government–media conflicts, but created new ones in an adversary relationship that likely will be never-ending. During the "age of dictators," particularly from post-World War II until their waning in the late 1970s through the 1980s, government–media conflicts were often resolved by military-controlled governments through strong-arm methods. That included the dispatch of government-sponsored death squads to intimidate, or even eliminate, a particularly annoying journalist. Violence became the tool of choice to silence a media critic. This was particularly true in Argentina, Brazil, Uruguay, and some other Southern Cone countries. With the Cold War in full bloom, the "Communist threat" often provided the rationale, if one were needed, to silence a critic, with the United States at the time generally looking the other way. It wasn't until the late 1970s, under President Jimmy Carter, that human rights in the hemisphere became an issue for Washington. By the late 1980s, the Cold War was winding down and Latin America's military dictatorships had largely given way to democratically elected governments.

The adversary relationship between governments and the media continued, but has become a much more subtle dance. Journalists are still being killed, but those responsible today are more likely to be private individuals with a personal

gripe than a government as an institution. As can be seen by the reports from media-monitoring groups cited elsewhere in this chapter, the more likely "weapons" for government retaliation against a journalist or a media organization are the withholding of advertising, restrictive legislation, court action, or hiding the truth by refusing to cooperate. But whether it is the more violent means of dictatorial governments, mostly of the past, or the more subtle ways of democratically elected governments, it still amounts to stifling freedom of the press and the people's right to know.

Notes

1 www.creativequotations.com.
2 Ibid., text of Castañeda speech, pp. 4–8.
3 www.pbs.org/newshour/bb/media/july-dec98/gorriti.
4 www.hrw.org/English/docs/2007/11/29/venez17447.html.

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13 Indian Nationalism, Democracy and the Future of the Nation-state in Central and South America[1]

Martin Edwin Andersen

> Nationalism . . . does not make easy the relations of different groups in mixed areas. Since it advocates a recasting of frontiers and a redistribution of political power to conform to the demands of a particular nationality, it tends to disrupt whatever equilibrium had been reached between different groups, to reopen settled questions and to renew strife.
>
> Elie Kedourie, *Nationalism* (Kedourie 2000, 110–11)

> After 500 years of colonial silence and after 168 years of republican exclusion, we now speak up to tell our truth. Democracy in a country that is multiethnic, pluricultural and plurilingual ought also to be multiethnic, pluricultural and plurilingual. . . . A tree grows from its roots.
>
> Former Bolivian Vice President (and Native American) Victor Hugo Cardenas, 1993 (Andersen 1994)

The dramatic emergence of historically marginalized Native Americans as key political actors in several countries in Central and South America and the Caribbean poses important questions about the structure of these nation-states and their future institutional viability, as well as about the health of regional democracy and respect for human rights in the twenty-first century. Part of the estimated 250 million individuals belonging to five thousand distinct indigenous communities in seventy states around the world, Indians in Central and South America share a legacy of centuries of colonization, discrimination, poverty, and loss of control over their lands, traditions, and natural resources. As some of the globe's most marginalized peoples, their demands for greater inclusion and control of their destiny are aided by the "unprecedented recognition" (Andolina 2003, 721) of indigenous status and rights resulting from the networking possibilities opened by the internationalization of non-state forums, such as non-governmental organizations (NGOs).[2] At the same time, while the "steady flow of persons, capital, arms, and ideas," fruit of the globalization process, is bitterly opposed by many indigenous activists and their allies, the phenomenon has had the effect of shrinking the role and importance of states while increasing indigenous peoples' demand that they receive critical services these offer to citizens (Lam 2000, 166). It remains to be seen if and how the challenges posed

by Indian mobilization can be peacefully and productively incorporated as part of a more equitable political inclusion and economic development. Nor is it certain that these can be contained within the boundaries of nation-states for the most part drawn up two centuries ago by exclusionary non-Indian elites.

Using insights gleaned from the studies of nationalism from Europe, Asia, and elsewhere and in other eras, together with examples drawn from recent Native American experience, this chapter explores the challenge that this new indigenous activism poses to the nation-state, particularly in the Andean region. It will examine whether these can be channeled through active, multi-cultural, multi-ethnic and pluri-national citizenship or whether they portend a future of centrifugal forces tearing apart the fragile consensus around the benefits of democratic government. It will examine particularly how new linguistic and religious awakenings, and their related definitions of group identity with a nation-state, coincide with existing national boundaries, and whether these can contain them. By means of surveying contemporary experience in Bolivia, Peru, Ecuador, Guatemala, and other countries, this study will juxtapose the emergence of the Indians' cultural agenda, including respect for native languages and religion, with the novel types of ethnic populism and ethnic nationalism gaining ground in the region. It will also examine how new and sometimes contradictory bonds of indigenous solidarity are being projected across national boundaries.

On one hand, the unprecedented political *protagonismo* of Indians around Central and South America today, shaking up the status quo in the region, and the extraordinary vitality of these communities' activism dating from the last decade of the last century, offer a chance for the indigenous agenda to be incorporated into constitutional, rather than ideological, politics. Done in this way, the liberal democratic franchise can be expanded rather than merely create new sets of winners and losers. However, there also remains a risk of a revival of historic disputes, the fresh recollection of old humiliations, and the disowning of stultified exclusionary political and social structures—concerns Elie Kedourie presciently warned about before in another time and in a different context—which could result in intractable and unremitting ethnic strife (Kedourie 2000).

Those who argue in favor of channeling Indian mobilization into an expanded and more humane democratic contract offer a participatory ideology that seeks, through the lens of self-determination[3] and cultural autonomy, to increase access and inclusion in a nation's political and social life. As the Confederation of Indigenous Nationalities of Ecuador, one of Central and South America's most powerful Indian umbrella organizations, responsible in part for ousting two civilian presidents (in 1997 and in 2000), framed the debate:

> The plurinational state is the construction of new political structures: administratively decentralized, culturally heterogeneous, and open to the direct and participatory representation of all indigenous nationalities and social sectors, particularly those that have been marginalized and excluded from the state structure and dominant socio-economic development models

> . . . implying . . . an institutional expansion . . . within a new concept of State, Development and Citizenship. (CONAIE 1999, 52)

It is important to remember, however, that in societies deeply divided along ethnic lines, establishing or maintaining democracy is not a preordained, or even necessarily likely, outcome. It could be argued that at least part of what is happening at the beginning of the twenty-first century in the Americas is an inchoate movement toward irredentist, winner-take-all ethno-nationalism.

Following this reasoning, successful recent mobilizations of Indians in Bolivia and Ecuador, resulting in several non-Indian civilian presidents being overthrown, present the specter of "failing states."[4] They also call to mind Michael Ignatieff's warning that: "There is one type of fear more devastating in its impact than any other, the systemic fear that arises when a state begins to collapse. Ethnic hatred is the result of the terror which arises when legitimate authority disintegrates" (Ignatieff 1993, 16). Even a more benign interpretation, using the prism of "security dilemmas" usually associated with international relations theory—where the parties do not wish to harm each other but nonetheless end up going to war—shows how understandable clashes between two contending parties ended up as anti-system putsches. Barry Posen, a theorist in relationships between security dilemmas and ethnic conflict, observed in the context of Eastern Europe that the collapse of multi-ethnic states "can profitably be viewed as a problem of 'emerging anarchy.' " The failure of central government to effectively deal with security, he writes, signifies that it is replaced by those means available to ethnic or religious groups (Posen 1993, 27).

The Challenge

Also known as "indigenous peoples," or members of "First Nations," the thirty-five to forty million of some of the hemisphere's poorest peoples have for at least the past fifteen years awakened to the prospect of seeking political power mostly through the democratic process. Throughout Central and South America, Indians face the continuing effects of class-based and ethnic domination.[5] With between 5.3 and 12 million people each, Mexico, Peru, Guatemala, and Bolivia have the largest indigenous communities in "Latin" America. In five countries in the region, including relatively prosperous Chile, Indians account for between five hundred thousand and one million people, while in Nicaragua, El Salvador, and six other countries, Native Americans make up less than half a million each. Although most Indians live on or near their ancestral lands, urban populations have swelled, particularly as economic conditions have made subsistence agriculture unattractive. Some 671 indigenous peoples are so recognized by their ethnic or tribal affiliation by states, with the number of Indian languages, some on the verge of extinction, even more numerous (Estrada 2006).

In his classic study of nationalism, Benedict Anderson offers that nationalism—contrary to the view of his Euro-centric peers—first emerged in

Table 13.1 Indigenous populations ranked by total population size

Country	*Indians*	*% of population*
Mexico	12,000	14.1*
Peru	9,300	46.5
Bolivia	5,600	81.2
Guatemala	5,300	66.2
Ecuador	4,100	43.2
Argentina	1,000	3.1*
Chile	998	10.3*
Colombia	744	2.2*

* High regional concentrations of indigenous population.

Note: Argentina is included because of the Mapuche connection; Colombia because of the Andean connection.

Sources: Estimates based, for most countries, on data from the early 1990s used by the IDB, PAHO and ECLAC; and late 1990s–2000 for Chile. Percentages of population based on population at the time data were compiled.

the eighteenth-century New World. There, without the existence of differences in language or in ethnic provenance, *criollo* elites sprang from new and often contested national boundaries. Their emergence in Europe's far-flung colonies reflected the impact of newspapers filled with new Western European economic and political doctrines and the pattern of maturing administrative career structures. Ironically, these early Latin nationalists—unlike those inhabiting the same space in the early twenty-first century—were not populists, promising what was necessary to achieve and hold power, as neither slaves nor Indians were allowed to be protagonists in their revolt, and some of these even sided with the Spanish crown.[6] Since the countries of Latin America achieved independence in the nineteenth century, however, there was a tendency among the *criollo* elites to embrace national Indian ancestors. This new elite appealed to an idealistic image of the noble savage as part of their political rhetoric, while rejecting indigenous peoples in their midst. In Peru, for example, this meant Creole nationalists'

> appropriation of a rhetoric glorifying the Inca past [while] exist[ing] side by side with a contemptuous appraisal of the Indians (or what the Creoles regarded as such.) This apparently contradictory situation did not, however, lack a certain logic. Appropriating and officializing a discourse that had originally belonged to the indigenous aristocracy, the Creoles neutralized whatever political connotations Indian expressions might formerly have embodied. Moreover, to appeal to the real or imagined glories of the Incas so as to defend Peru from an invasion was a way of establishing the national character as something already set or given, and of denying the Indians, the mestizos, and the castas any possibility of forging it on their own. (Mendez 1996, 222)

In 1925 in Mexico, the philosopher and future presidential candidate José Vasconcelos published *La Raza Cósmica* (*The Cosmic Race*) in which he postulated, in opposition to social Darwinism, the creation of a "fifth race" in the Americas, composed of all the world's races and destined to create a new civilization: Universópolis. However, as one observer has noted, "a sense of glory regarding the Indian past has long been an important part of the [Mexican] nation's identity. . . . Yet despite this strand, and in certain cases even underlying it, lay a discourse that casts the Indian and the Indian culture as not truly Mexican, but rather as impediments to the unification of the nation and obstacles to its political, economic and cultural development: in short, a threat to the nation's interests" (Morris 1999: 374). And, as little as a generation ago, most policymakers sympathetic to "the Indian question" in Bolivia, Ecuador, Mexico, Peru, and other countries engaged in what was called "*indigenismo*," largely assimilationist strategies characterized by paternalist assumptions about what to do with culturally different peoples. In the twentieth century, Deborah J. Yashar has noted,

> national indigenous movements were, in fact, rare. It is not that real organizing did not occur among indigenous people, but people used to note that it did not occur along ethnic lines. Prior rural movements mobilized Indians to forge class, partisan, religious, and sometimes even revolutionary identities over and against indigenous ones.[7]

In part, the Indians' struggle for recognition and power today has been carried out within the framework of increasing the legitimacy of democratic regimes in the process of consolidation. However, owing to the thin, procedural nature of democracy favored by the dominant political elites, in response

> social movements have developed alternative visions of democracy and national identity, and have searched for alternative links between society and state based on those visions. . . . Latin American indigenous movements are key players in these processes; their insistence on cultural difference and collective identity challenges nations to redefine belonging, and challenges states to enable active, multicultural citizenship. (Andolina 2003, 724)

At the same time, however, the Indians' marquee forays into the political arena paint a different, less pacific and less sanguine, picture. They include a more than a decade-old Zapatista insurgency in southern Mexico, home to the region's largest Indian population; decisive participation in civilian-led or civil-military putsches against elected presidents in Ecuador and Bolivia, and the inauguration in 2006 of a neo-Marxist, coca growers' union president as head of state in La Paz. A sign of the desperation accompanying Native American militancy is the fact that, of the four countries—Bolivia (where Indians are the poorest people in South America's poorest country), Guatemala, Ecuador, and Nicaragua—in Central and South America that arguably come closest to the designation of "failing states," the first three are those where Indians form a numerical majority or, grouped together, comprise the largest ethnic bloc.

Much of the analysis of why these nation-states appear to border on the ungovernable—which focuses on weak institutions and limited party loyalties and governance—is of limited usefulness, suggesting many observers are looking at the instability through the wrong end of the telescope, that is, from the perspective of capital elites.[8] This "wide discrepancy between theory and reality" may be explained, using political scientist Walker Connor's construct, as being the confusion of symptoms with causes. "Explanations for political decay focus on interim steps, such as the weakening of 'mass parties,' rather than upon the root cause of ethnic rivalry" (Connor 1994, 70).

More generally, nation-building theories that treated ethnic diversity as minor impediments to effective state integration have been refuted by the Indian mobilizations responsible for the overthrow of constitutional governments in both Bolivia and Ecuador, and the armed uprising that tarnished the international luster of the neo-liberal one-party regime of Mexico's Carlos Salinas de Gortari.[9] The newfound militancy of Indian peoples, whose distinguishing political characteristics were once seen as fatalism and resignation, reflects specific harsh and adverse events in which traditional peoples face serious threats to their physical well-being and access to necessary land and resources, as well as to their cultural identity. It is in this context that in the two predominately Indian countries of Central and South America, Bolivia and Guatemala, the protection of national resources—in the former, particularly rich energy reserves and access to fresh water—has become a key cause for mobilization.[10]

The ethno-national debate waged by Indian activists around the redefinition of the state has had positive consequences, particularly in the case of Bolivia, where Evo Morales's election enhanced the link between ethnicity and solidarity and created a sense of trust in political leaders. In Bolivia, 72 per cent of the population in rural areas speaks an indigenous language, compared to 36 per cent in urban areas; two-thirds of the country's Indian population is found among the poorest 50 per cent of its overall population—in the poorest country in Central and South America. On the relatively more prosperous plains, 17 per cent are indigenous and 83 per cent non-Indian, while in the impoverished highland and valleys 67 per cent and 60 per cent, respectively, are Native Americans.[11]

Overwhelmingly elected president of the Andean nation in 2005, Morales is the receptacle of the hopes and aspirations of Indians around the hemisphere. He "is honest, he is brilliant and sincere to the cause of indigenous peoples," enthused Tonya Frichner, founder of the New York-based American Indian Law Alliance and a member of the Onondaga Nation, in a reaction typical of the pride expressed by many Indians. "We know he cannot fix all that has happened in the past 500 years, but it is our responsibility to be supportive of him."[12]

Definitions of Nationalism

The emergence of Latin American Indian communities demanding fundamental changes in political, economic, social, and cultural spheres offers both similarities

and contrasts to theories about nationalism developed in other times and in other regions. Much of the existing literature focuses on premodern communities that emerged as national actors either as already dominant, or at least contending forces, in their region or as part of empires whose title to rule was not based on national criteria. During the period of the Spanish empire, Indians in Central and South America, largely rural populations a vast majority of which lacked written literacy, were victims of exclusion—serving throughout the hemisphere as slaves or peons, in arrangements that were in some cases continuations of pre-Conquest patterns established by rival tribes or peoples.[13] Today they are connected to the outside world via community radio networks, television, and even the internet.

Thus globalization appears to have replaced, at least in the Indian communities of Central and South America, industrial society as what Ernest Gellner calls the engine that promotes "a certain kind of division of labor, one that is complex and persistently, cumulatively changing." The shortening of physical and intellectual distances caused by technology and free trade appears to in part leapfrog older limitations on agrarian society cited by Gellner as being unfavorable to nationalist principle—to the necessary preconditions of the "convergence of political and cultural units, and to the homogeneity and school-transmitted nature of culture within each political unit" (Gellner 1983, 8–9, 24, 39).

The role education has played in the emergence of Native American nationalism in Central and South America appears to confirm Gellner's observation that "The monopoly of legitimate education is now more important, more central than is the monopoly of legitimate violence" (Gellner 1983, 34). The centrality of what he called the "school-transmitted nature of culture" can best be seen in Bolivia where, according to one authoritative source, even before Morales's election, "Indians appeared to have gone further in gaining access to higher education . . . than in any other Latin American country." Nearly half the students at Bolivia's eleven public universities are believed to be of Indian origin, with institutions in the larger cities where many indigenous people live, such as La Paz and Cochabamba, having two-thirds Native American enrollments (Bollag 2006, 36).

Following the 1952 revolution carried out by a mixed-race leadership, public education in Bolivia was made available to indigenous children, with the first generation of Native American students enrolling in the country's mostly public universities in the 1970s. A decade later, another first generation—that of Indian scholars—began professorships at these and other institutions, although some reported "they, too, faced subtle discrimination, especially if they emphasized their ethnic origins." A small group of faculty and students also "developed research and [began] to popularize the history and culture of Bolivia's indigenous peoples—subjects until recently largely left out of both public-school curricula and the consciousness of people in the urban centers where the country is run." In 1979, San Andres University, the country's largest public institution, was the first to establish a department of native languages. Today, other than English, Aymara is the most popular language major chosen (Bollag 2006).

The demands of Central and South Americas' indigenous communities appear to fit within several definitions of nationalism offered by theorists generalizing from the experiences in other lands, with Indian political and cultural activism reflecting Kedourie's formulation that, "In nationalist doctrine, language, race, culture and sometimes even religion, constitute different aspects of the same primordial entity, the nation" (Kedourie 2000, 67, 23). In a work published in Bolivia in January 2007 entitled "Emancipation and Against Hegemony in Bolivia: Strategies to Destroy the K'hara Domination" ("k'hara" or "K'ara" is an Aymaran pejorative for Caucasian people), one essayist offered a look at how the ultranationalist Indian perspective encompasses what Kedourie called "different aspects of the same primordial entity":

> What is sought from the indigenous point of view is the destruction of the symbolic domination of the k'hara world, that is, the legitimacy of the subjective representation of what is "Bolivian" or "Western." . . . This is not, then, the social democratization of power, but rather those who were dominated before, now in power, would create a network of relationships that will allow them to govern absolutely in time. . . . It is a global operation given that it includes religious, cultural, economic, political, artistic, scientific, health, academic, international, among other, fields. . . . the struggle in the "fields" of power includes all people and economic, social, political and cultural organizations, consolidating in this way a full-spectrum domination project on the national level.[14]

The case of Indian nationalism in Peru helps illustrate the importance of Anderson's emphasis on the necessity for imaginings of antiquity in the creation of national consciousness, as "the process of reading nationalism genealogically—as the expression of an historical tradition of serial continuity" (Anderson 1983, 195). Another maxim, from Walker Connor, is also useful for our understanding of how Indian nationalism has taken hold among numerous different peoples:

> In the final analysis, the coincidence of the customary tangible attributes of nationality, such as common language or religion, is not determinative. The prime requisite is subjective and consists of the self-identification of people with a group—its past, its present, and, what is most important, its destiny. (Connor 1994, 4, 94)

Peru's ethnocacerist movement, representing an extreme nationalism whose roots lie in the vindication of the indigenous origins of the majority of Peru's population, posits both ecology and nationalist historiography highlighting the alleged superiority of their Indian ancestors. It argues for the return to a glorious past, and proposes the abolition of democracy in favor of the birth of an empire ruled by a leader of demonstrated ethical authority. In doing so, it mirrors Kedourie's observation, made apropos of the European context, that, when

nationalist historiography is applied, "it produces a picture of nations slowly emerging and asserting themselves in territorial sovereign states" (Kedourie 2000, 71–2). Peru's "copper-colored" majority of Indians and mestizos, the ethnocacerists say, should rule, while giving second-class status to lighter-skinned Peruvians.

Founded by a well-known Marxist-Leninist lawyer, whose two sons, the radical mestizo (mixed Amerindian and white) ex-military officers Ollanta and Antauro Humala, lead two separate ultra-nationalist political parties, the ethnocacerist movement does not seek "a change of government, of people or of a face, but of the state." The manner in which the ethnocacerists engage in a nationalist historiography calls to mind Kedourie's dictum that "nationalists make use of the past in order to subvert the present" (Kedourie 2000, 70). In a country where more than 45 per cent of the population is Indian and an additional 37 per cent mestizo, the ultimate aim of the movement, ethnocacerist leaders say, is to reunite "the three Inca republics—Bolivia, Ecuador and Peru"—a sui generis *volkisch* perspective that ignores the fact that the Inca empire was itself born of the brutal conquest of non-Inca native peoples. The Humalas' high card, writes Argentine columnist Sergio Kiernan, is the "inverted racism" of their appeal. "Their anti-system, anti-capitalist and anti-bourgeois doctrine . . . rests on a concept about blood, earth and language, corporativist and messianic, that any German with a long memory will instantly recognize as the *volkism* of a certain Adolf."[15] In the April 9, 2006, national legislative elections, the coalition headed by the Peruvian Nationalist Movement (MNP) and led by Ollanta Humala came in first, with 21.2 per cent of the vote.

More recently, in May, 2007, a new indigenous party, the Movimiento al Socialismo Andino Amazonico (MASA), was created, its copying of Evo Morales's political party's name suggesting an inclusive approach that may reflect awareness that some indigenous peoples continue to identify themselves more as peasants than as members of Indian ethnic groups.[16] According to its organizers, while its ideology is "closest" to that of the Humala brothers—sharing their aim to restore a "confederal" form of government inspired by Inca tradition—MASA said it differs both with their personalistic leadership style and their "unitarian nationalism." The latter, they claim, flies in the face of Peru being "a state of many and varied nations" and is used as a pretext for false homogenization, resulting in "low-intensity ethic cleansing" (Tinoco 2007).

Imagining Evo

The landslide election and first year of the presidency of Aymara Indian Morales was evidence of a sea-change occurring in the politics of several Latin democracies, where Indian activism-cum-nationalism challenged social exclusion,[17] weak governmental institutions, endemic corruption, and limited political party identification. Referring to the velocity of change taking place, one Bolivian commentator noted that, in a country where thirty-four indigenous peoples represented more than 60 per cent of the total population, "It was perhaps only

10 years ago when to propose that [an Indian] would become president would be considered a joke or a provocation" (Frontanilla 2006).

Bolivia, noted indigenous sociologist Pablo Mamani, existed "more than 500 years as a colony, but in the 180 years it has been a republic, we Indians have been subjects without history, subjects and actors without memory, subjects and actors without territory, without leadership, without a prospect of achieving power" (Mamani 2006). The Indian majority was not allowed to vote or to receive an education until the 1952 revolution. The popular rebellion incorporated native peoples into national life but left them systematically outside of a political and economic framework dominated by a small middle class, in a country where most of the resources in the resource-rich nation went to just 5 per cent of its people (Kearns 2006). The revolutionary elite based its policies on the assumption that indigenous peoples would eventually assimilate into a mixed-race, predominately urban population.[18] Carlos Alberto Montaner has noted that the Bolivian economy had grown barely 1 per cent in the last fifty years, with per capita wealth "the same today as it was before the mythical revolution" led by Victor Paz Estenssoro. Politicians were "incapable of creating a social and judicial system where enterprises could proliferate, the educational system could improve and various ethnic groups could integrate with a greater degree of harmony. . . . You can't govern so poorly for so long . . . and not expect that a definitive catastrophe won't eventually occur."[19]

"There is," Gellner noted, "one particular form of the violation of the nationalist principle to which nationalist sentiment is quite particularly sensitive: if the rulers of the political unit belong to a nation other than that of the majority of the ruled, this for nationalists, constitutes a quite outstandingly intolerable breach of political propriety." The right to vote placed Bolivia's indigenous majority in the position to make itself heard; their continued exclusion by a predominantly white or mixed race political, economic and social elite meant the country's elected leadership for all intents and purposes belonged "to a nation other than that of the majority of the ruled."[20]

It was only in the mid-1990s, with the passage of the Popular Participation Law, that the state—whose vice president, Victor Hugo Cardenas, represented what one observer called "multicultural neo-liberalism," that is, Indian rights promoted by indigenous elites within the context of an economic privatization model[21]—recognized the "multi-ethnic and pluri-cultural" nature of Bolivian society, even as a marked radicalization of Indian groups was occurring. At the same time, Aymaran leader Felipe Quispe, a foe of Morales, promoted the establishment in the Andean region of Omasuyos a paramilitary group, the *ponchos rojos*, as part of the re-creation of the Aymara territory, Jach's Uma Suyu, extending from Peru to the north of Chile. In the face of the declining legitimacy of an elitist, though elected president, Gonzalo Sánchez de Losada, the regional Indian militia, Bolivian sociologist Mamani noted, "was able to destroy in the (indigenous) communities all the attributes of state power" (Azcui 2007).

The day before taking office on January 22, 2006, Morales was crowned Apu Mallku (Supreme Leader) of the Aymara at a spiritual ceremony at the

pre-Colombian archaeological site of Tiwanaku, where he vowed to continue "the fight to recuperate our territory and natural resources"—a message clearly directed to the Indian majority, not the predominantly white minority who still held that territory and those resources. "The fight is not just for humanity, but also for planet Earth" (Garrigues 2006b). Yet, Morales's indigenous politics is viewed, even by many Indians themselves, as possessing greater symbolism than narrowly indigenous appeal, a form of electorally calculated "neo-indigenismo."[22] According to one analyst, Morales's Movement Toward Socialism (MAS)

> does not promote a separatist ethno-national project; instead, it uses regional, national and international coalition building to equate indigenous with non-indigenous issues through resonant political analogies that frame Bolivia's national crisis of political legitimacy in terms of indigenous rights, while making common cause with diverse urban popular sectors who, if not indigenous, recognize their cultural heritage as a crucial background to their own struggles against disenfranchisement. . . . For the MAS, "self-determination" encompasses a great deal more than simply "indigenous self-determination." (Albro 2005, 433, 445)

Once in office, Morales cut his salary by almost 60 per cent while increasing the minimum wage by 50 per cent; appointed other indigenous people to key cabinet posts, and convened a constituent assembly he said was necessary to transform the country by giving more power to the native majority. This despite opposition claims of constitutional manipulation and fears that the country would be divided in two—along the fault line of highlands and lowlands that also demarcated Indian and non-Indian regions. He vowed to defend Indians' traditional usage of the medicinal coca leaf by not eradicating the coca plantations and by not combating narcotics production by sending the military into coca-growing regions. And Morales proposed a new hydrocarbon law to guarantee at least 50 per cent of the revenue to Bolivia—a move that exacerbated tensions in the predominantly non-Indian oil-rich lowlands.

Morales also warned the Catholic church hierarchy that some of its members were acting as if they were "in the times of the Inquisition," with his Aymara education minister saying that Catholicism would be taught alongside other world religions, including Bolivian Indian religions.[23] In January 2007, the government announced a new legal reform in which Indian traditional law would be given the same standing as the country's notorious corrupt and inefficient judicial system based on Roman law, with decisions decided by traditional Native authorities exempt from review by other judicial or administrative authorities.[24] Morales also had the humble adobe house where he was born declared a national monument, and allowed the emission of a postage stamp adorned with his profile (Cordova-Claure 2006).

Morales's embrace of Cuba's Fidel Castro and Venezuela's Hugo Chávez, together with indigenous peoples' opposition to free trade agreements and

multinational investment, can lead to a fundamental mischaracterization of the new dynamics of First Nation nationalist politics as inexorably left-leaning. However, until the end of the Cold War, in Central and South America, leftist scholars accepted the official position of Marxist-Leninist governments that the application of Leninist national policy had solved "the national question," leading the masses to embrace proletarian internationalism. In keeping with that view, Connor writes, "In Third World scholarship also, ethnic heterogeneity tended to be ignored or to be cavalierly dismissed as an ephemeral phenomenon" (Connor 1994, 68).

Radicalized Indian leaders such as Morales and Peru's Ollanta Humala and other non-Indians who pretend to lead them—such as Venezuela's Chávez and Mexico's self-designated "subcommandante," the non-Indian Marcos—are themselves confronted by Native peoples whose own intellectual and spiritual elites are well aware of historical and recent neo-Marxist, and even "Bolivarian," hostility to their cultural agenda. The legacy of left-wing antagonism to Indian causes goes beyond memories of atrocities carried out against indigenous communities by Peru's Maoist Sendero Luminoso, or awareness of current efforts to bring Nicaragua's Sandinista President Daniel Ortega before a civilian court on charges of genocide carried out against that country's Miskito Indians in the 1980s.[25]

A month after Morales's election, indigenous intellectuals attending a symposium in La Paz to share issues of identity, territory, and education openly questioned whether "Morales would be more influenced by his Aymaran traditions or by the leftwing presence around him, as typified by" Chávez and Castro, with the speakers criticizing the left "for using Indian movements for their own ends" (Garrigues 2006a). Two months later, traditional leaders at another indigenous conclave in La Paz recalled the left's historic hostility to cultural demands, a critical element in today's Indian mobilizations, with Mexico's *La Jornada* newspaper reporting that "Curiously, many have a strong position against Marxism and its class concept. This can be explained because historically [the Indians] were considered 'peasants' and it has been difficult for the current movements to position themselves as indigenous."[26] In fact, Indian identity politics in Bolivia has changed national politics from being based almost entirely on interests into a community based on shared principles, forcing a change in the country's political structure in ways the Marxist left was never able to even approximate.

Distrust of the Latin American left was much in evidence in the remarks of Argentine Mapuche activist Nilo Cayuqueo, who complained in late 1981 that it was

> not willing to recognize the Indian people as being oppressed; they just see them as another social category. . . . Some of my brothers, some of the leaders, say that this attitude of the left is a new form of European colonization. Socialism is a European . . . concept because socialists want to replace the Indian communes that exist in South America with socialist

> organizations. So it's a socially disruptive process because they want to destroy the organization that exists among the Indian people. These communes, or *ayllus*, exist in all the Andean countries; they are already collective, and they don't need to become Socialist. ("Interview" 1982)

The instrumentality of the left in dealing with Indians could also be seen in the role played by the Colombian guerrilla group, the M-19. "The problem is that M-19 is trying to gain influence with the Indians, and what they've done is gone into [the Cauca valley] and killed various landlords who have been stealing land from the Indians," Cayuqueo said. "What happens is that then the government comes in and they kill the Indians" ("Interview" 1982: 106). More recently, in March, 1999, Ingrid Washinawatok, a founder of the Indigenous Women's Network and an award-winning lecturer from the US Menominee tribe in Wisconsin, was one of three humanitarian workers who were murdered by the Colombian Revolutionary Armed Forces (FARC) in a Venezuelan field near the Colombia border while on a mission to help Colombia's indigenous Uwa people establish a cultural education system and continue their traditional way of life. According to one account:

> American Indians now admit that they made major miscalculations in their analysis of the FARC during those eight days when Washinowatok was held captive. "We operated from the point of view—hey, we're Indians. Ingrid had studied in Havana, she spoke Spanish and she had worked with Indian people all over. We thought it should be OK," said Alex Ewen of the Solidarity Foundation, a New York Indian philanthropic group. "We didn't understand that this group was different." (Arana 1999)

When demands were made by the growing number of Indian students for programs that "both reflected and were relevant to their cultures," many of the majority leftists at Bolivia's educational institutions resisted the idea, believing that social class was more important than ethnic identity. Indian faculty members at the San Andres University who pushed for more research and academic offerings in Native American history and culture were considered "old-fashioned and nostalgic for the past" (Bollag 2006).

Indian leaders' skepticism about Morales's authenticity and real agenda predates his ascension to the presidency. Felipe Quispe, the militant leader of Bolivia's indigenous Pachakuti movement, represents an "ethnocentric, fundamentalist and indianist" ideological current within the country's indigenous movements.[27] Quispe, who postulated "two Bolivias" and lampooned Bolivia's "k'aracracia"—combining the Quechua and Aymara word for white people with the Spanish "democracia"—decried Morales's electoral ambitions before his successful bid for president. The man elected as the country's first Native American chief of state two years later was, Quispe charged, "in reality, a fascist disguised as an Indian." Other observers have challenged Morales's authenticity as an Indian by pointing out that he has a Spanish last name, speaks Spanish as his first language and, although he grew up poor, is a mestizo.[28]

As Indian nationalists move into the fore, fundamental questions remain about who belongs to each "national" group—with decisions still to be made whether belonging is circumscribed by the maintenance of traditional ways or whether it pertains to genetic criteria. As one former US ambassador to Peru and Bolivia has observed:

> In contrast to Anglo North Americans who define Indians primarily on the basis of blood [which can imply racism and prejudice], for Central and South Americans cultural criteria are more important. Once an Indian masters Spanish, adopts Western dress, acquires a certain level of education, enters the market economy, and loses his sense of being exploited, he may no longer consider himself primarily an Indian. (Corr 2006, 35)

(It should be noted that, in large part owing to a history of forcible assimilation, Article 33 of the UN Declaration on the Rights of Indigenous Peoples adopted in September, 2007 specifically provides native peoples with "the right to determine their own identity or membership" in response to complaints, including by Native Americans, about the non-indigenous defining them in a way that denies their own identity.)

Bolivians' hope for Morales, said former President Jaime Paz Zamora, the non-Indian founder of the Revolutionary Left Movement (MIR), was that he would be an Andean version of South Africa's Nelson Mandela, someone "capable of building a modern democracy in a country of indigenous origins." Instead of Mandela, he added, Morales has proved to be a local version of Zimbabwe's former independence leader and current strongman Robert Mugabe. "You can feel the social breakup" based in part on Morales's lack of respect for democratic institutions and practices "out of his desire to stigmatize the past. . . . The initial euphoria with Evo is giving way to unhappiness and preventive paralysis."[29] On January 23, 2007, Morales and Bolivia's military chiefs attended an indigenous peoples rally of the *ponchos rojos* who support him in Omasuyos. At the rally Morales, who was facing increasing demands for secession by the predominantly non-Indian and relatively more prosperous lowlands, thanked the militia, whose members were armed with vintage Mausers, saying, "I urge our Armed Forces along with the 'Ponchos Rojos' to defend our unity and our territorial integrity" (Azcui 2007).

National or Democratic Expressions?

Former US Ambassador to Bolivia Edwin C. Corr tells the story of an Aymaran Indian candidate from the Jach'a Suya Pakajaqui (Territory of the Red Eagle Men) political party who was campaigning for a city council seat high in the Bolivian Andes. Pascual Condori, who won the seat, grabbed the microphone and shouted, his mouth bulging with a cheekful of coca leaves: "We should not contest with one another. We should confront the K'aras." In Latin America, Corr continued,

> And especially in Bolivia, to define oneself as Indian includes a rebellious sense of having been dominated and exploited for centuries, up to and including today. Resentment and revenge against the perceived dominating class, especially traditional political elites, is part of one's Indian identity, creating an almost intractable problem. . . . Moreover, according to Vice President Alvaro Garcia Linera, of the Movement Toward Socialism (MAS) Party, until the advent of Evo Morales and MAS, indigenous people generally had not voted for indigenous leaders because they had not thought themselves capable of effecting the changes desired within the mestizo- and European-dominated political system. (Corr 2006, 32)

The Indian communities in Central and South America are today embarked on a course that can either strengthen democracy or replace it with nationalist leaders whose platforms could lead to even greater strife, but also to possible civil war as nation-state boundaries are challenged as part of an illegitimate colonial and neo-colonial inheritance. Not only do the Peruvian nationalists dream of uniting the Incas' descendants of the countries of the Andes; in February, 2006, thousands of Indians from Brazil and four other South American countries, belonging to what they called the "Guarani nation," called for the "resurrection" of an Indian nation for the indigenous community that extends from southern Brazil, through Paraguay, Bolivia, and northern Argentina (Olmos 2006). Meanwhile, the aims of a new party led by Chilean Mapuche intellectuals, Wallmapuwen, include the "restoration" of eastern Mapuche territory, across the Andes, in Argentina.[30] And as Corr noted, bringing indigenous and disadvantaged people more fully into society and politics, giving them greater participation in the decisions which affect their lives and the ability to share more fully in their countries' politics, governance and economies, needs to be balanced against the importance of preserving democratic institutions and the economy, while assuring the basic rights of those who once made up the dominant, non-Indian social and political class (Corr 2006, 34).

Warning signs also abound for Indian nationalist leaders and their followers. As Conner has noted, multi-ethnic alliances do not necessarily translate into a single national consciousness, and "if one is dealing not with variations of a single culture-group, but with distinct and self-differentiating culture groups, then increased contacts . . . tend to produce disharmony rather than harmony" (Connor 1994, 51–2). The very diversity of Indian communities, in which members of one "nation" live side-by-side with those of one or more others, throughout Central and South America, suggests that the definition of "nation" and who belongs to it may be a point of contention even as Indians move to the fore in their countries' political life. Hence the Peruvian MASA's warning of even Inca-type governance under a unitarian state being a likely pretext for "low-intensity ethnic cleansing"—a hostile act not, to be sure, foreseen as being carried out by erstwhile white or mestizo elites.

In May, 2006, former Peruvian president Alan García defeated radical Indian nationalist Ollanta Humala in a runoff presidential election, in which Humala

garnered some 45 per cent of the votes, and his political movement became the largest congressional bloc. García's support centered on the sprawling capital city of Lima; Humala remained wildly popular in the highland regions. "It is nationalism which engenders nations and not the other way around," Gellner has written. "Nationalism is not what it seems, and above all, it is not what it seems to itself."

> The cultures it claims to defend and revive are often its own inventions, or are modified out of all recognition. Nonetheless the nationalist principle as such, as distinct from each of its specific forms, and from the individually distinctive nonsense which it may preach, has very, very deep roots in our shared current condition, is not at all contingent, and will not be easily denied. (Gellner 1983, 55–6)

During the Peruvian campaign, one observer noted, Humala "told the world that blood is identity, that the real Peruvian is 'the Indian and the mixed-blood', that the white man is a failure, a half-Peruvian, an undesirable who should leave for things to finally get better." Postulating the superiority of the Peruvian Indian, his nationalist doctrine talks about the Peruvians, Bolivians, and Indians, "those of 'the mountains, jungles or coast'—a very Peruvian construction to refer to provincial groups who fight among and distrust each other—were really happy, prosperous and well-governed when they lived under the Inca's enlightened hand" (Kiernan 2006). The Humala view is in keeping with Gellner's observation that "Nationalism usually conquers in the name of a putative folk culture. . . . If the nationalism prospers it eliminates the alien high culture, but it does not then replace it by the old local low culture; it revives, or invents, a local high (literate, specialist-transmitted) culture of its own" (Gellner 1983, 57).

The decisive defeat of Nobel laureate and Indian activist Rigoberta Menchú's left-wing presidential bid in the September, 2007, elections in Guatemala, while also a stinging personal defeat to an international figure who proved to be a lackluster campaigner, reflected the difficulty faced by any indigenous candidate trying to unite the more than nineteen Mayan groups in the country behind a single ethnic candidate. Not only was Menchú's Quiche Mayan language unintelligible to other Indian groups, but traditional rivalries among them meant that, in important respects, Menchú was as much of an outsider to many indigenous voters as were non-Indian candidates. She won just 3 per cent of the vote, despite a poll released by the newspaper *Prensa Libre* a year earlier that indicated as many as 71 per cent of Guatemalan voters would vote for an indigenous presidential candidate, and despite much stronger showings in the September primaries by Indian candidates at district and municipal levels (Alvarez 2006; Lacoy 2007; Perez 2007; Varela 2007).

Conclusions

The emergence of Indian nationalism within the context of increased activism by some of the Western hemisphere's poorest and historically marginalized

peoples raises fundamental questions about governance under new political elites seeking to gain and hold power. Who is an Indian (or a mestizo) and thus escapes the stigma of belonging to a once-dominant white elite whose members are demonized, as in the case of Peru, as "failures, half-Peruvians, and undesirables," remains an unanswered question. Can the various Indian communities always be counted on to vote as a bloc? (The experience of Rigoberta Menchú offers a suggestive "no" to that question.) If they lack programmatic cohesion and a shared identity and vision, will the inclusion of Indians merely mean that the number of normally fractious national parties goes from, say, a half dozen to twenty or more? Or is it in and of itself a healthy trend in that more people are participating in a more functional democracy, enabling the state to coordinate more and different tasks as part of the national agenda? What role will religion and education play in reconstructing a national or pluri-national character of existing states, and what to do with Indians who practice European-centered religions? From international relations theory, the question of security dilemmas, occurring when two parties end up going to war, even when neither wishes to harm the other, may also play an important role here—as ethnic organizations wrest enough power and autonomy to have "the attributes of sovereignty" (Kaufman 1996, 151).

Will the new embrace of national Indian ancestors form the sustaining myth necessary to either cause a "nation" within an existing state to press for secession or to seek to force the combination of two or more existing nation-states to recapture the imperial splendor of a pre-Conquest past? In countries such as Bolivia, Ecuador, Guatemala, and Mexico, where the history of those pre-Conquest empires was also one of subjugation and exploitation, will the descendants of the historically less fortunate agree to a "national" identity taken from a dominant rival group? And, finally, is the emergence of Native American peoples as the more relevant or principal protagonists in their own countries' history the harbinger of the expanded democratic franchise, or the beginning of the kind of internecine strife which, as in the case of Eastern Europe, wound its way into the swamp of classes of undesired peoples who were forced into exile, privation, or worse? The first option has given Indian militancy legitimacy in international forums; the writings of Kedourie, Gellner, and others suggest the latter is a possibility. In a worst case scenario, Indian ultra-nationalism could result in the trading of one case of historic domination for another, the latter extending not only to non-Indians but also to those indigenous peoples with less political or economic clout, or those seen not to share a common vision of the past. And as Posen, the writer on security dilemmas and ethnic conflict, has noted in a non-American context, when groups need to arrive at judgments of others' intentions, "[t]he main mechanism they will use is history, how did the other group behave the last time" (Posen 1993, 30).

The efforts of many indigenous advocates and international organizations to lay out an orderly legal basis for restoring and respecting indigenous rights and a framework for adjudicating the righting of past wrongs can be seen as a positive contribution to the shaping and informing of modern law. Support for such

efforts will help to make democracy real for millions of people who have remained outside the arc of its benefits, address the unfinished business of decolonization in the hemisphere, and offer a broad assurance that not only can the clock not be turned back on Indian progress but no nation, state or international organization will be a party to that happening. However, the danger remains, as one Spanish critic has somewhat over-heatedly claimed, that by ignoring the idea of evolution and basic change of all societies, the end game could be to deny any good in everything that happened since a long-gone halcyon moment, with the result not of a new accommodation based on respect, but rather policies of vengeance between races and cultures whose references remain mired in hurt and mutual recrimination (Fanjul 2006).

Notes

1 The opinions expressed in this chapter are those of the author and do not necessarily reflect the position of CHDS, the National Defense University, or the U.S. Department of Defense. The author would like to thank Dr. Jerry Z. Muller, Dr. James D. Riley, Dr. Walker Connor, Dr. Richard Millett, Amb. John Maisto, Mr. Steve Tullberg, and Mr. James Zackrison for their generous and most helpful comments and criticisms in the preparation of this chapter.

2 On how international interest in indigenous rights has helped Central and South American Indians in their claims to political, economic, and social rights, see, for example, Brysk (2000).

3 "Self-determination" is the term recognized as a right in Article 3 of the UN Declaration on the Rights of Indigenous Peoples that was approved, over the objection of the United States, in 2007.

4 A "failing state" is a weak state in which the central government has little practical control over much of its territory.

5 For example, a recent study by the prestigious medical journal *Lancet* shows that the health of indigenous peoples in Latin America, like that of their peers in Asia and Africa, is much worse than that of other poor people: http://www.thelancet.com/collections/series/indigenous_health. Indigenous populations, which comprise 5.4 per cent of the total residents of Chile, Latin America's economic success case, make up the majority living in extreme poverty there. "Discrimination against Chile's indigenous people continues," *Santiago Times*, November 29, 2005. In December 2006, the first time the Economic Commission for Latin America and the Caribbean (ECLAC) included a chapter on indigenous peoples in its annual Social Panorama report, the UN agency urged recognition of Native Americans' individual and collective rights, including self-determination. Ecuador's new constitution officially describes the country as a multi-ethnic state and participatory democracy; between 1987 and 1999, Argentina, Brazil, Guatemala, Mexico, Nicaragua, Paraguay, and Venezuela have all passed constitutional reforms meant to improve Indians' political and social standing.

6 Anderson (1983, 47–50). "Far from seeking to 'induct the lower classes into political life,' " he tells us of the Spanish colonies' war for independence, "one key factor initially spurring the drive for independence from Madrid, in such important cases as Venezuela, Mexico and Peru, was the *fear* of 'lower-class' political mobilizations: to wit, Indian or Negro-slave uprisings" (pp. 48–9).

7 "Bolivia's New President Inspires Region's Indigenous Leaders," *VOA English Service*, Jan. 26, 2006.

8 A typical example of this kind of analysis, which is also characteristic of mainstream news analyses, can be seen in "Final Week for Ecuador's Presidential Race,"

Mercosur Press, Oct. 9, 2006 (carried on the website politicalaffairs.net "Marxist Thought Online" http://www.politicalaffairs.net/article/view/4214/1/213), which attributes fifteen years of political instability in that country to "weak institutions, [and] limited party fidelities and governance."

9 This point is extensively documented in Connor (1994), esp. Chapter 2, "American Scholarship in the Post-World War II Era" ("Nation-Building or Nation-Destroying?").

10 Replogle (2006). In May 2006, the position of the Ecuadoran, Guatemalan, and Bolivian Indian protestors regarding extractive industries was strengthened when the UN Permanent Forum on Indigenous Issues announced it endorsed without reservation Native peoples' demands that states must recognize both their right to self-determination and to respect the principle of "free, prior and informed consent" regarding development activities taking place on their land and resources. "UN Forum Urges Inclusion of Indigenous Peoples' Concerns in Global Anti-poverty Goals," *United Nations News Center* (www.un.org), May 26, 2006. (An "informed consent" clause is contained in article 28 of the UN Declaration on the Rights of Indigenous Peoples adopted in September, 2007.)

11 World Bank, "Peoples, Poverty and Human Development in Latin America, 1994–2004," cited in *Latin American Weekly Report*, May 24, 2005.

12 Haider Rizvi Tierramerica, "N. American Tribal Leaders Energized by Morales Meet," *IPS/GIN*, Oct. 23, 2006; Connor (1994, 42) tells us that the essence of the nation "is not tangible. It is psychological, a matter of attitude rather than of fact. . . . A prerequisite of nationhood is a popularly held awareness or belief that one's own group is unique in a most vital sense. In the absence of such a popularly held conviction, there is only an ethnic group."

13 However, as Deborah J. Yashar has noted (2005, 63), in more modern times, "In the agricultural highlands of Bolivia, Peru, and Ecuador as well as the rural areas of Mexico and Guatemala, the state could not assert the pervasive control that the overwhelming majority of studies of corporativism have tended to assume. To the contrary, indigenous communities managed to carve out a degree of local autonomy that remained beyond the reach of corporatist institutions. Indeed . . . Indians secured the spaces in which they could institutionalize indigenous community practices at the local level."

14 The anonymous fifteen-page treatise was posted on Jan. 16, 2007, on the Qollasuyu-Ivi Iyambae-Bolivia website and can be found at www.bolivia.indymedia.org/es/2007/01/38984.shtml; the translation of "full-spectrum domination project" was originally in Spanish "un proyecto de dominacion de espectro global."

15 Kiernan (2005); CIA, "The World Factbook—Peru," https://www.cia.gov/cia/publications/factbook/geos/pe.html; a discussion of *volk* culture is contained in Gellner (1983, 57). "Nationalism usually conquers in the name of a putative folk culture. Its symbolism is drawn from the healthy, pristine, vigorous life of the peasants, of the *Volk*, the *narod*."

16 See, for example, Ladislao Landa's work, cited in "Indians & Politics in Latin America—After Evo Morales," *Latin America Special Report*, July 2007, p. 1.

17 "Exclusion is part of life" in Bolivia, wrote aid official William Powers, in "Poor Little Rich Country," in the June 11, 2005, *New York Times*, before Morales's election.

18 On this point, see Rivera and Larson (1998).

19 "Bolivia: Failure of a Nation," www.firmaspress.com, posted November 29, 2005.

20 Gellner (1983, 1); this perception, and the fact that the last elected president before Morales took office was Gonzalo Sánchez de Losada, a fabulously wealthy US-educated member of the traditional political elite, allowed Morales to be the first presidential candidate in recent memory to be chosen by a majority of voters.

Sánchez de Losada's own "national" credentials were popularly suspect in part because he even spoke Spanish with an English accent.

21 The characterization of Cardenas by Ricardo Calla, former Bolivian minister of ethnic and indigenous affairs, is cited in Albro (2005, 449).

22 See, for example, "Editorial: ¿Qué filosofía política tiene el gobierno en Bolivia?" *Pukara*, 17, March 7–April 7, 2007; "Editorial: 'Sabios indigenas' y el peligro del neo indigenismo," *Pukara*, 19, May 7–June 7, 2007, and Reynaga (2007).

23 "Morales: Catholic Leaders Acting like 'Inquisition,' " *Associated Press*, July 26, 2006. Morales's own religious beliefs are unclear. Veteran Bolivian journalist Ted Cordova-Claure notes that, before heading the coca growers' union, Morales was a musician in a charismatic Catholic Indian band in the "Diablada" in the Oruro carnival, in which dancing and alcohol consumption were featured attractions. Cordova-Claure (2006).

24 "Morales dará à Justiça indígena valor de Justiça comum," *EFE*, Jan. 4, 2007.

25 Rodgers (2006); on Ortega's potential pending date with the justice system, see also Corry (1986, 2006).

26 Gomez (2006). Some indigenous intellectuals even question the historical consistency of lining up, as Morales has done, under the "Boliviarian" standard of Venezuelan strongman Chávez, who shares some indigenous ancestry, regularly invokes the names of his country's Cacique (chief) Guaicaipuro and the Inca leader Tupac Katari in his speeches before Native American groups. On indigenous critique of Bolivar, see Mamani (2006).

27 The characterization of Quispe is also by Ricardo Calla, cited in Albro (2005, 449).

28 Febbro (2003); Cordova-Claure (2006) stresses Morales's mixed race heritage. However, as Connor (1996, 76) points out, "nationalism is a mass phenomenon, and the degree to which the leaders are true believers does not affect its reality. The question is not the sincerity of the propagandist, but the nature of the mass instinct to which the propagandist appeals."

29 "Entrevista a Jaime Paz Zamora: No se puede construir el futuro desde el rencor," *El Pais*, Oct. 28, 2006.

30 "Mapuche Party Born as Legislative Battle Rages," *Latin American Special Report*, July 2007, p. 11.

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14 The Persistent Attraction of Populism in the Andes

Julio F. Carrión

Introduction

Populism is a recurrent feature of Latin America's political experience. In the Andes, a sub-region that includes Bolivia, Colombia, Ecuador, Peru, and Venezuela, it seems to be a particularly ingrained form of political representation. As Carlos Franco has put it for the Peruvian case, while the loyalty of the urban poor to specific populist leaders has been sporadic, the poor have shown a "continuing loyalty to populism" itself (Franco 1991, 100). In this chapter I seek to provide a working definition of populism, examine its resurgence in the last twenty years, and analyze the ways in which it has morphed recently in reaction to a changing political environment. It is clear that for a number of reasons recently discussed by scholars (Mainwaring, Bejarano, and Pizarro Leongómez 2006, 1–46), there is a crisis of democratic representation—and thus a growing demand for new political alternatives—in the Andes. A significant proportion of citizens, mostly indigenous and poor, re-embrace populism in hopes of improving their prospects or in rejection of traditional politicians. The emerging and, in some countries, growing middle class searches for modern and largely democratic representation. Although this chapter focuses on the persistent attraction of populism and its risks, we should not forget that there are also emerging efforts to provide modernizing and democratizing representation in the Andes (Kornblith et al. 2004; Roncagliolo and Meléndez 2007). These movements, unfortunately, remain weak and inchoate as they have trouble reaching out to the poor and the indigenous.

While the re-emergence of populism has a certain democratic component, as it stresses mechanisms of direct democracy, it also poses serious risks for the continuation of democratic politics in the Andes. In many cases, populist leaders have used their considerable public support to run roughshod over representative institutions that, however defective they might be, in the end guarantee the continuation of competitive, liberal, and democratic politics in the region.

What is Populism?

There is an ongoing and vibrant debate on populism. Given the many meanings associated with it and the clear lack of consensus on what populism is and is not,

some have proposed to abandon the term altogether (Roxborough 1984). This proposal seems too radical as it is unrealistic to wish away a concept that tries to grapple with both an important and recurrent political phenomenon. But there is no denying the degree of conceptual disagreement. For some, populism in Latin America is a historical phenomenon not a social science concept. They see populism as the political manifestation of a particular phase of Latin American history, namely Import-substituting Industrialization (Malloy 1977; Quijano 1998). For those who believe in its conceptual usefulness, the debate revolves around the core element of the concept. Some define populism as mass mobilization by charismatic leadership (Germani 1971); others seem to stress its multiclass alliance character (di Tella 1973); and still others put the stress either on its discursive elements (Laclau 1977) or on its appeals to the people (de la Torre 2000). Populism has also been identified with expansionary and irresponsible economic policies (Dornbusch and Edwards 1991).

One of the most recent and sophisticated efforts to define populism comes from Weyland (2001). In his treatment, populism is stripped of its historical, economic, or sociological connotations and becomes a strategy for gaining and exercising power. Weyland rejects previous definitions of populism for they "encompass several attributes from different domains" (Weyland 2001, 5). While he retains populism as a classical category, he locates it in the single domain of politics (p. 18). He defines populism as "a political strategy through which a personalistic leader seeks or exercises government power based on direct, unmediated, uninstitutionalized support from large numbers of mostly unorganized followers" (p. 14).

Weyland's attempt to reconceptualize populism is a step in the right direction. However, recent work on concept formation offers fruitful avenues to improve on his definition. Goertz (2006) argues that concepts should be causal, multilevel, and multi-dimensional. In his view, concepts need to have three levels: a basic level that defines the phenomenon to be explored; a secondary level that provides for the constitutive elements or dimensions of the concept, and a third level that specifies its indicators (Goertz 2006, 6). While Weyland relies on classical categorization (Sartori 1970), Goertz relies on "family resemblance" conceptualization (Collier and Mahon 1993). In family resemblance categorization, a concept does not need to possess all its constitutive elements to be accepted as part of the family. Where semantic (or classical) treatments of concepts use the operator AND to delineate it—all characteristics must be present for the concept to be accepted as such—family resemblance uses the operator OR—not all characteristics need to be present (Goertz 2006, 10).

Following Goertz's work, and relying on the extensive literature on the topic (for a summary see Burbano de Lara 1998; de la Torre 2003; Hermet, Loaeza, and Prud'homme 2001; Vilas 1994), I propose here a conceptualization of populism as a form of political representation that has the following four constitutive elements: (1) a style of leadership that is highly personalistic; (2) an unmediated or poorly institutionalized leader/mass relationship that privileges mechanisms of direct democracy rather than representative democracy; (3) a

political discourse or mentality that divides the world between "us" and "them"; and (4) a general distrust of institutional checks and balances that would limit the power of the leader.

The four constitutive elements of populism listed above are combined in a "family resemblance" fashion. This means that not all elements need to be present with the same intensity for a government to be labeled as populist. In fact, the manner in which they combine could provide for different variants of populism. For instance, the intensity with which populist leaders undermine checks and balances would allow us to distinguish between democratic and authoritarian populism. In similar fashion, the specific nature of the relationship between mass and leader could allow us to differentiate between neo-populism, which relies on very little or no organization, and classical populism, which exhibits stronger organizational life (Roberts 1995; Weyland 1996, 2001). Weyland correctly stresses the fact that populism falls within the domain of politics, but to assert that populism exhibits one single domain does not imply that it lacks multi-dimensionality. Weyland's definition misses two important constitutive elements of populism: its Manichean mentality and its problematic attitude toward institutional checks and balances.

To better understand populism it is important to contrast it with other forms of political representation. Two alternatives to populism are class-based politics (which Communist parties represent, and is of almost no consequence in the Andes), and broad-based, catch-all representation (labeled here "traditional politics" for lack of a better term). The study of traditional politics in the Andes is a neglected topic and unfortunately it cannot be analyzed in detail here. However, it is crucial to contrast its differences from populism. Traditional politics, unlike populism, usually does not embrace an "us versus them" mentality, for it seeks accommodation rather than confrontation. In fact, traditional parties and leaders strive to build broad-based coalitions in an effort to compensate for their less than impressive support among the poor. Given their emphasis on accommodation, traditional, non-populist leaders prefer to rely on the institutions of liberal democracy, such as congresses and the courts rather than mass mobilization. In so doing, they largely accept institutional checks and balances, even if they voice their displeasure with them.

While traditional politics revolve around the forms of representative democracy, populism tends to privilege mechanisms associated with direct democracy, such as plebiscites and referenda (Canovan 1999). The direct appeal to the masses serves a crucial role in the populist project for it allows populist leaders to bypass or overrule representative institutions and judicial review. The use of plebiscites has recently become the preferred mechanism through which populist leaders enhance and consolidate their power, not only in the Andes and Latin America but also in the former Soviet republics and some Eastern European countries (Anderson et al. 2001). Because of their reliance on plebiscitary appeals, the mass public in the Andes tends to perceive populist leaders as more democratic than presidents who prefer traditional mechanisms associated with liberal democracy. This perception is bolstered by a political

culture that generally equates democracy with suffrage and elections, and pays far less attention to its liberal, Madisonian dimension (O'Donnell 1994). Thus, and paradoxically, populist leaders frequently use direct democracy mechanisms to undermine the already weak foundations of liberal democracy.

Some observers have commented that populism is frequently anti-status quo (Canovan 1999; Panizza 2005). Class-based politics is also anti-status quo, but its differences with populism could hardly be exaggerated. The changes that populist leaders seek to enact are not sweeping economic and/or social reform. They are generally political reforms to alter the institutional make-up of the country and change the rules of the game. The adoption of unicameral congresses, the enhancement of presidential prerogatives, the establishment of immediate re-election, the change of electoral laws, all are changes sought after by populist leaders so that they can extend their tenure in office and aggrandize their own power.

The Tortuous Path to Democracy

The Andean countries shared a common history of political instability and lack of democracy for most of the twentieth century. Although Colombia largely avoided military rule, the Andean countries, by the end of the 1950s, looked more similar than dissimilar when comparing their degree of democratic progress. This common trajectory gradually began to change as both Colombia and Venezuela embarked on a serious if somewhat flawed, as it would turn out, process of democratization. On December 1, 1957, millions of Colombian men and, for the first time ever, women went to the polls to vote in a plebiscite to ratify a set of constitutional reforms. The most significant of these reforms was the creation of the Frente Nacional (National Front), which established a sixteen-year period during which the Liberal and the Conservative parties, until then fierce enemies, agreed to alternate in the presidency and split evenly the spoils of power (Palacios and Stoller 2006; Peeler 1986). With almost unanimous public approval, the Colombian parties thus put a formal end to a secular conflict that reached historic proportions in what came to be known as *La Violencia*, when almost 250,000 people were killed in a civil war.

The Colombian example of pacted democracy was soon followed by Venezuela. On October 31, 1958, Acción Democrática (Democratic Action), COPEI, and Unión Republicana (Republican Union), Venezuela's most important parties at the time, facing a perilous transition to democracy and anxious to end once and for all military intervention in politics, signed a historic pact, the Pacto de Punto Fijo, to set the parameters of the upcoming civilian administrations (McCoy and Myers 2004). Under the terms of this pact, all parties committed to the defense of the constitutional order and agreed to the adoption of a common governmental platform and a government of national unity.

The successful implementation of these two pacts set the foundations for democratic development in Venezuela and Colombia during the 1960s and

1970s. Bolivia, Ecuador, and Peru, on the other hand, continued to endure military rule for most of these years. Bolivia experienced military government for most of the years between 1964 and 1982. Ecuador was ruled by military juntas in 1963–66 and in 1972–79. Peru saw military governments in 1962–63 and again in 1968–80. By the mid-1970s, the political paths of the Andean countries had clearly bifurcated: one path was of democratic consolidation, the other of deepening instability and authoritarianism. A well-known scholar (Peeler 1986) had no qualms including Colombia and Venezuela in the group of Latin American liberal democracies. Bolivia, Ecuador, and Peru, on the other hand, became examples of the "new authoritarianism" that swept Latin America in the 1970s (Collier 1979; Malloy 1977).

While the transition to democracy in Ecuador (1979) and Peru (1980) was a relatively straightforward affair, with the military carefully controlling both the timetable and the terms of the transition, the advent of electoral democracy in Bolivia (1982) had more twists and turns. Presidential elections were held in Bolivia in 1978, 1979, and 1980 and on each occasion the democratization process was aborted by coups and countercoups (Malloy and Gamarra 1988). For a brief period of time between 1980 and 1981, Bolivia was ruled by a predatory military junta headed by General Luis García Meza, which engaged in widespread human rights abuses, including political killings, and rampant corruption and drug trafficking. By the mid-1980s, however, all Andean countries were enjoying civilian and democratically elected governments. But the 1980s would not be kind to either the established or the emerging democracies. In the next section I discuss setbacks and the unraveling of democracy in the Andes that began in the 1980s.

The Seeds of Trouble in the 1980s

Like most Latin American nations, the Andean countries were affected by the severe economic crisis of the 1980s. Although the "lost decade" affected Andean countries in different degrees—for instance, Colombia was largely unscathed by economic troubles—all countries saw the gradual unraveling of the political arrangements that had been laboriously worked out in previous years or even decades.

Let us begin by examining the nascent democracies. After the transition to democracy in 1982, Bolivia had to deal with rampant inflation. The Hernán Siles Suazo administration (1982–85) inherited a country in virtual bankruptcy and could not find the political formula to deal with an out-of-control inflation that was running at an annual rate of 24,000 per cent at the beginning of 1985 (Buckman 2006, 60). Forced to cut his term short—not the most auspicious way to start a democratic transition—the task of bringing Bolivia back to some normalcy fell to Víctor Paz Estenssoro, the historic leader of the Movimiento Nacionalista Revolucionario (MNR—Nationalist Revolutionary Movement). He adopted a drastic stabilization program and began a policy of economic liberalization (Grindle 2003; Sheahan 2006). As expected, the measures were

received with anger by the labor unions, and Paz Estenssoro dealt with them harshly. While the repression of labor reduced opposition to what eventually became a successful stabilization policy, it also meant that Bolivian democracy quickly turned against those who had helped to bring it in the first place. In an act of political audacity, and in an effort to broaden his base of support, Paz Estenssoro signed the Pact of Democracy with the former dictator Hugo Banzer and his party, the ADN (Acción Democrática Nacionalista—Democratic Nationalist Action). This pact was the first of a series of pacts and coalitions that brought some political stability to Bolivia during the second half of the 1980s and most of the 1990s (Orias Arredondo 2005). They could not, however, prevent the emergence of a radical indigenous movement that demanded changes in land tenure laws and protested the growing involvement of foreign investors in the exploitation of Bolivia's natural resources. These pacts could also not forestall the increasing activism of coca growers who rejected the eradication policies demanded by the United States. Social movements and public opinion eventually began to reject the continuation of the free-market reforms that were enacted in the 1980s to deal with the severe economic crisis. Not surprisingly, street protests against tax increases that were decreed to honor the agreement with the International Monetary Fund (IMF) led to the resignation of Gonzalo Sánchez de Lozada in 2003 and the rise of Evo Morales of the MAS (Movement Toward Socialism) party.

In Peru, another nascent democracy, the economic crisis was compounded by the negative effects of the weather phenomenon known as El Niño, which produced a negative GDP growth of 12 per cent in 1983 (Sheahan 1999). Fernando Belaúnde, leader of the center-right party Acción Popular (Popular Action), readily embraced the recommendations of the IMF to deal with the crisis. His policy-making style was characterized by the arrogant conviction that only those with vested interests to defend could disagree with the government's efforts to liberalize the economy (Conaghan and Malloy 1994). This aloof policy style was patently epitomized by Manuel Ulloa, an international banker who became Belaúnde's prime minister (technically, the President of the Council of Ministers). While the technocratic policy style diminished the quality of Peruvian democracy, the real threat came from the domestic insurgency led by the bloody Shining Path and the manner in which the Peruvian state confronted it. For most of the 1980s, Peru faced the combination of uncontrollable inflation and political violence. For a while, the election of the young Alan García, leader of Peru's oldest party, APRA (Alianza Popular Revolucionaria Americana—Revolutionary Popular America Alliance), brought some hope. For a brief moment, it seemed that the adoption of heterodox economic policies would provide a viable alternative to the Washington Consensus. Soon, however, the populist economic policy unraveled, as it had done in Argentina and Bolivia, and inflation skyrocketed. At the same time, the widespread human rights violations committed by the Peruvian army fueled rather than stopped an insurgency that had an even lower regard for human life (Degregori 1990; Palmer 1994; Stern 1998). When Peruvians came to the polls to elect a new president in 1990, they

were more than inclined to try anybody who was not associated with the traditional political parties.

The pattern of enacting economic policies without significant consultation with parliament and the dismissive rejection of all criticism was also evident in Ecuador. The election of León Febres Cordero (1984–88), leader of the conservative Partido Social Cristiano (PSC—Social Christian Party), introduced Ecuador to market-oriented economic policies. Febres Cordero, with much greater fervor than Victor Paz Estenssoro and Fernando Belaúnde, rapidly embraced the recommendations of the IMF while adopting a governing style that was highly confrontational and borderline authoritarian (Conaghan and Malloy 1994). In one instance, Febres Cordero surrounded the Supreme Court building with tanks to prevent new members appointed by Congress from assuming their posts (Buckman 2006). His administration epitomized the tendency of some Latin American governments to combine the liberalization of the economy with a governance style of questionable democratic character. The two administrations that followed were less extreme but not very effective. The center-left Rodrigo Borja (1988–92) dealt unsuccessfully with the growing economic crisis, and ended up mired in political bickering that led to the end of the coalition that supported his candidacy (Gerlach 2003). The center-right Sixto Durán Ballén (1992–96) ran on promises to deal with the growing inflation and lackluster economic performance. He enacted harsh economic stabilization policies and began a process of economic liberalization. The economy gradually improved, but Durán Ballén committed a number of serious mistakes that dramatically affected the outlook of Ecuadorian democracy. The promulgation in 1994 of a law that reversed the agrarian reform and put an end to the partition of large estates produced a nationwide protest led by indigenous organizations (Guerrero 1996). The indigenous movement already had a significant presence in Ecuadorian politics, but this blatant attack against its hopes of agrarian equity deepened its mobilization and radicalized its outlook. The subsequent accusations of corruption that led to the indictment of Durán Ballén's vice-president only worsened the perception that the country was being run by a self-serving elite (North 2004). The 1996 elections would mark the beginning of a period of political instability and institutional fragility.

While the economic crisis was preventing the nascent democracies of Bolivia, Ecuador, and Peru from taking firmer roots, it was undermining Venezuela's long-held democratic stability. Despite the continuous flow of oil revenues, a misguided economic policy that led to the overvaluation of the Bolívar generated significant economic troubles in the 1980s (Sheahan 2006). The traumatic devaluation of February 18, 1983, known as Black Friday, a belated effort to address the overvaluation of the currency in a context of declining oil prices, is widely believed to have initiated the demise of the Pacto de Punto Fijo democracy. The feelings of economic insecurity that this devaluation caused in vast segments of the Venezuelan population was later replaced by anger in the wake of the 1989 package of economic reforms enacted by Carlos Andrés Pérez. When he was campaigning for re-election, Pérez ran on a platform that promised

a return to the good old times. When he failed to fulfill his promises and enacted stabilization policies, Carlos Andrés Pérez unleashed a furore rarely before seen in Venezuela. Lootings and street demonstrations were harshly dealt with, and dozens of people were killed as a result of the upheaval (López Maya and Lander 2004). Not surprisingly when Lieutenant Colonel Hugo Chávez rose against his government in April, 1992, the coup attempt was received with tacit sympathy by many. Pérez would eventually be impeached for corruption and removed from office in 1993.

In the 1980s, Colombia escaped most of the economic woes that affected other countries in the region but was affected by a host of other issues. This country entered the 1980s still dealing with the legacy of the National Front that prevented outsiders from gaining the highest office. A serious challenge to the parties' duopoly was registered in 1970 when the former dictator General Gustavo Rojas Pinilla, leader of the Alianza Nacional Popular (ANAPO—National Popular Alliance) came close to winning the presidential election. In fact, many believe that he was the victim of widespread electoral fraud that favored the Conservative candidate Misael Pastrana. A few years later, disaffected activists founded the Movimiento 19 de Abril (known as M-19) and turned to violence to challenge what they saw as an illegitimate government (Sweig and McCarthy 2005). In addition, during the 1980s Colombia faced another security threat in the form of drug trafficking, which openly challenged the state and the society at large. If the party system did not suffer significant setbacks during these years, it was largely due to the nature of the electoral system, which allowed factions within each party to run their slates of candidates (Ungar Bleier and Arévalo 2004), thus preventing party fragmentation. During the 1990s, the security threats to the state increased as the largest guerrilla organization, the Fuerzas Armadas Revolucionarias de Colombia (FARC—Revolutionary Armed Forces of Colombia), colluded with narco traffickers and expanded its activities to the city (Sweig and McCarthy 2005, 18). Violence worsened as vigilante groups funded by land owners to fight the guerrillas coalesced and created the Autodefensas Unidas de Colombia (AUC—United Self-defense Forces of Colombia) in 1997. The sense of insecurity and chaos that this violence generated led to the election of Álvaro Uribe in 2002, the first time in Colombia's history that a candidate not belonging to one of the two major political parties was elected to the presidency.

In sum, all Andean countries, though through different trajectories and with varying intensity, achieved democratic rule by the early 1980s. Unfortunately, the severe economic crisis and its management encouraged the worst political instincts of many presidents in the emerging democracies of Bolivia, Ecuador, and Peru. The economic crisis also undermined Venezuelan democracy. By the mid-1990s, the fragile institutional arrangements in Ecuador and Peru had collapsed, and Venezuela and Colombia faced significant challenges. Bolivia escaped unscathed for a while, but in the early new century the laborious elite agreements have also collapsed. It is in this context that the region was affected by a new wave of populism.

The Revival of Populism in the 1990s

The election of Jaime Roldós in 1979 in Ecuador was a clear indication that voters' predilection for populism was not moribund. Roldós's party, Concentración de Fuerzas Populares (CFP—Concentration of Popular Forces) was a populist party founded in 1946 which was led at the time by Assad Bucaram, uncle of Roldós's wife. Initially, Roldós presented himself as a surrogate for Bucaram, who was prevented by the new constitution from running. By the time the runoff was held, Roldós had become his own man, accentuating his own virtues as leader and representative of the poor. His overwhelming victory in the runoff cemented his populist inclinations which led him to clash with his old mentor. When Assad Bucaram, who led a majority of seats in Congress, blocked some of his initiatives, Roldós founded his own party, Pueblo, Cambio y Democracia. Soon, Roldós found himself attacking the "patriarchs of the sleazy deal" (*componenda*) when his old party leaders joined forces with León Febres Cordero's PSC in Congress. His untimely death in 1982 aborted this populist experiment.

The populist trend crystallized in clearer fashion in Peru during the first administration of Alan García, leader of the APRA party. Even though he did not secure the necessary majority to prevent a runoff, he was able to avoid it when his rival, the left-wing candidate Alfonso Barrantes, declined to compete, given the overwhelming electoral advantage that García exhibited at the time. Soon García was enjoying the *calor popular* (people's embrace) in impromptu *balconazos*, extemporaneous speeches delivered from one of the balconies of the presidential palace. García coupled this style with an economic policy that sought to reactivate the economy by using deficit spending. Seeking regional notoriety, he pledged to allocate no more than 10 per cent of Peru's export earnings to service the foreign debt (Reyna 2000). García repeatedly contrasted his nationalist policies and government with the egoistical voracity of foreign lenders who wanted to keep exploiting Peru. Echoes of populism's traditional rhetoric that confronted the nation versus the anti-nation were evident during his 1985–90 administration.

It was during the 1990s, however, that a purportedly new form of populism emerged in the Andes and other Latin American countries. It was argued that presidents such as Fujimori in Peru and Menem in Argentina represented a departure from classical populism, a breed better described with the term neo-populism (Roberts 1995; Weyland 1996). Neo-populists shared with old populists the plebiscitarian style of leadership that seeks to establish direct links with unorganized masses. On the other hand, they departed from old populism by their embrace of neo-liberal policies. In the Andes, Fujimori, and to a much lesser extent Abdalá Bucaram, represented this new form of populism. On the other hand, both Fujimori and Bucaram exhibited traits that were consistent with classical populism.

After his surprising second-place finish in the 1990 presidential election, Alberto Fujimori framed the upcoming contest in the runoff as a confrontation between the white elite that had traditionally ruled Peru and the broad-based,

racially diverse insurgency that he claimed to represent. As his campaign slogan put it, Fujimori wanted to offer Peruvians a "President like you." The fact that his family and racial background could not be more different than that of the majority of Peruvians did not matter. He successfully framed his campaign in terms of "us" versus "them," the true Peruvians of many colors and backgrounds versus the moneyed, European-looking elite (Carrión 1997). Once in power, Fujimori displayed the four central components of populism described at the outset of this chapter. His personalistic style of leadership was clearly revealed by the fact that he refused to build a serious political organization. In fact, his disregard of any organizational check to his power led him to create a coterie of "parties" for each electoral contest that he faced. He created the Nueva Mayoría party for the 1992 congressional elections, the Vamos Vecinos party for the 1998 municipal contests, and the Frente Perú 2000 for the 2000 presidential election. None of these electoral vehicles had a serious or even ceremonial role in his government. On the contrary, Fujimori closely associated himself with his main security advisor Vladimiro Montesinos (who did not even belong to any of the pro-Fujimori parties) and relied on technocrats with little or no political experience to run his administration (Conaghan 2005).

Personalistic leadership also implies an unmediated relationship with followers. Populist representation is predicated on the portrayal of the leader as savior of the nation who develops a direct, unmediated connection with *el pueblo*, the people (de la Torre 2000). Given that populism thrives in environments in which strong parties do not exist or are in decline, the populist leader finds it easy to portray them as either oligarchical cliques that obstruct the people's wishes or as unnecessary intermediaries between the leader and the people.

Fujimori constantly divided the country between the supporters of "democracy," meaning his government, and the followers of terrorism. Taking advantage of people's rejection of Shining Path and their yearning for social tranquility, Fujimori charged his opponents with a failure to take the terrorist threat seriously, or even accused them of collaborating with it. He attacked the institutions that opposed his policies, such as the Catholic Church and the judiciary. He also criticized the media and traditional parties. Unlike that of Alan García, his rhetoric did not contrast "the nation" to the "foreigners," but instead juxtaposed the "traditional politicians" to those who wanted peace and tranquility. Fujimori's politics, as one observer put it, were the politics of the antipolitics (Panfichi 1997).

In addition, Fujimori did not only distrust but openly rejected checks and balances. Soon after taking office, he began a series of confrontations with Congress over issues related to economic and security policies (Kenney 2004). When Congress showed some backbone and rejected the unchecked powers he was demanding, Fujimori announced on April 5, 1992, that he was suspending the constitution, and shutting down both Congress and the Supreme Court. This set of measures ended the fragile democracy inaugurated in 1980. Despite the widespread international condemnation of the autocoup, the Peruvian public rallied behind it (Carrión 2006).

Abdalá Bucaram's short term in office (1996–97) does not give us much historical evidence to analyze, but in many regards his populism shares some important similarities with Fujimori's. Like Fujimori, Bucaram came to power after winning a runoff against a candidate who represented the country's elite, Jaime Nebot of the right-wing PSC. As de la Torre (1999) points out, Bucaram framed the electoral contest as a choice between "the people," whom he allegedly represented, and the "evil oligarchy." Although running on a populist platform (his slogan was "First The Poor"), once elected he announced a far-reaching program of market-oriented reforms that included the privatization of state enterprises and the pegging of the Sucre to the dollar (Gerlach 2003). Bucaram also attacked the press and adopted a confrontational stance vis-à-vis Congress, where the opposition held a majority of seats. For instance, on November 8, 1996, Miguel Salem, his cabinet's General Secretary, threatened to shut down Congress. His government was also plagued by accusations of widespread corruption. Many believed that Bucaram himself was benefiting from corrupt practices (Gerlach 2003). His populist experiment collapsed, however, when he raised prices of cooking gas and increased taxes on electricity. In protest, a highly successful national strike was held on February 5, 1997. Bucaram was later removed by the Congress on the grounds of mental incapacity.

While the content of Fujimori's and Bucaram's policies could not be more different than that of Hugo Chávez of Venezuela, they all share important similarities in their representational style. Chávez ran against the whole political class, claiming that the regime created by the Pact of Punto Fijo had become a "partycracy," and promising to dismantle it if elected (Hawkins 2003). The momentum created by his decisive 1998 electoral victory allowed him to steamroll his opponents and impose a radical restructuring of Venezuela's political arrangements. Soon after his election he demanded and obtained from Congress the power to rule by decree for six months. In April, 1999 he won an astonishing victory when 90 per cent of voters approved his call for a constituent assembly to draft a new constitution. Soon thereafter, in July of the same year, Chávez secured another overwhelming victory when his electoral coalition (Polo Patriótico) obtained 121 of the 131 seats. With full control of the assembly, Chávez's forces drafted a constitution that significantly enhanced presidential powers, created a new "citizens' branch" and removed Congress's powers to approve military promotions (Shifter 2006). Following a trend in Latin America, the new constitution also removed the ban on immediate re-election. The new article allowed Chávez to run not only in 2000 and but also in 2006, potentially allowing him to remain in office until 2011.

The mega-elections of July 2000, thus called because presidential, congressional, gubernatorial, and mayoral elections were held on the same day, cemented Chávez's grip over Venezuela when he obtained 59 per cent of the vote. In the wake of his re-election, he escalated his verbal assaults against the "rancid oligarchy," as well as against civil society organizations, such as the press, the Catholic church, and labor unions. He was particularly peeved by

labor's reluctance to join his "Bolivarian Revolution." In December, 2000, Chávez won a low-turnout plebiscite that gave him the power to dismiss the leadership of national labor unions and call for new elections to replace them within six months.

Using his considerable majority in the unicameral Congress—Chávez's Movimiento Quinta República had won 92 of the 165 seats—he once again demanded powers to rule by decree, which were granted in November, 2000. In exercise of these powers, Chávez issued almost fifty decrees affecting important aspects of economic life, including the oil industry (Corrales and Penfold 2007). These decrees were widely repudiated by all sectors of society and, as Buckman writes, they "had the unintended consequence of forging an unlikely alliance between FEDECAMERAS, the country's main business lobby, and the CTV [the nation's peak labor union]" (Buckman 2006, 348). Chávez's brazen disregard for the content if not the forms of democracy had the effect of polarizing Venezuelan society. Both business and labor organizations called for a twelve-hour general strike in December, 2001. The confrontations continued as anti-Chávez forces took to the streets in massive demonstrations to demand his resignation and pro-Chávez groups rallied in his defense. In April, 2002, business and labor unions once again called for a one-day strike to demand Chávez's resignation. Since the strike drew much support, the organizers decided to extend it until Chávez resigned. On April 12, a group of Chávez's supporters shot into the crowd at an opposition rally and killed at least seventeen people. The reaction against the killings was immediate, and Chávez was forced to resign in a military coup that same day. As the new government began to shut down Congress and suspend the constitution, support for the coup rapidly evaporated, causing it to collapse. On April 14, 2003, Chávez was reinstalled to power by a group of loyal officers led by General Raúl Baduel, who later became his minister of defense.

The coup and counter-coup further deepened the division among Venezuelans. The opposition started collecting signatures to demand a recall election, a procedure contemplated in the new constitution. The huge pro- and anti-Chávez rallies continued, and the opposition raised the stakes one more time by calling for an indefinite general strike to begin on December 2, 2002. As the strike gained momentum, paralyzing most of the country and, more critically for the regime, the oil fields, Chávez became more confrontational. When oil workers joined the strike and began affecting Venezuela's output, his government took over the state-owned but independently run PDVSA (the state oil company). Chávez dismissed a number of board members and fired thousands of oil workers. As the strike continued through the holiday season and the beginning of the summer, it began to lose steam. The organizers ended it in February, 2003.

The defeat of the general strike was a significant setback for the opposition, forcing them to switch to what was called at the time "the electoral solution." The opposition largely abandoned big public rallies and turned its attention to collecting the necessary signatures to demand a recall election (Corrales and

Penfold 2007). But the "electoral solution" turned out to be as difficult as action on the streets. Chávez made use of his considerable control of the state institutions to stall this effort. Initially his decision was to block it altogether but it soon became apparent that his only choice was to delay it as much as possible. Leaders of the opposition delivered over three million signatures petitioning the recall election on August 20, 2003. After considerable delay and legal wrangling, the National Electoral Council recognized over 2.4 million signatures, a figure that exceeded the required number for filing a recall election petition, and convoked it for August, 2004.

What followed was a series of electoral defeats for the opposition. Despite the enthusiasm and organizational prowess displayed by the opposition, Chávez emerged victorious from the recall election, securing 59 per cent of the vote. In the wake of this demoralizing defeat, the opposition refused to participate in the December, 2005, gubernatorial and congressional elections, which were easily won by the pro-Chávez forces. The significant shift in the correlation of forces between the government and the opposition that this defeat produced was fully appreciated in the 2006 presidential elections. Social spending, bolstered by a booming economy based on the oil bonanza, skyrocketed and with it the government's standing at the polls (Corrales and Penfold 2007). Despite the fact that the opposition was able to manage a single candidate to oppose Hugo Chávez, he easily won a re-election with a record turnout, obtaining 63 per cent of the vote.

In the campaign preceding the election, Chávez had announced his intention to steer Venezuela toward "twenty-first-century socialism," which he failed to explain in detail. Soon after his second re-election, some details would emerge. On December 28, 2006 Chávez announced his decision not to renew the broadcasting license of RCTV, the oldest and most-watched television network in Venezuela. If Chávez sought to intimidate or weaken the opposition, the move certainly backfired. University students, who had remained largely apathetic in the previous two years, took to the streets to protest the silencing of the network. The mobilization of college students, which in the Peruvian case sparked a significant grassroots resistance against the Fujimori regime, also proved very important in Venezuela. Students' activism awakened the opposition from the stupor into which it had fallen but it did not deter Chávez's march into his twenty-first-century utopia. In January, 2007, he announced a series of sweeping measures that included the nationalization of oil refineries, the renegotiation of oil contracts and a set of constitutional reforms. The most important of these reforms was the complete elimination of term limits for the presidential office while setting a one-term limit to all other elected offices. The proposed reforms would also reduce the working day from eight to six hours. It became very clear that Chávez was willing to spend his recently enhanced political capital to force a significant change in the rules of the game, one that would allow him to stay indefinitely in office. As had been his *modus operandi* before, he appealed to the public to secure approval. The unicameral Congress quickly approved the constitutional reforms and then called for a plebiscite to ratify the changes.

This time, however, Chávez found significant obstacles to his efforts to perpetuate his power. Civil society organizations as well as the traditional opposition mobilized against the reforms. Even the ruling alliance split. PODEMOS, a party that had supported Chávez before, announced its opposition to the reforms and called for a "NO" vote in the referendum. More symbolically perhaps, General Raúl Baduel, the officer who had restored Chávez to power in 2002, publicly rejected Chávez's efforts to change the constitution, accusing him of staging a *coup d'état*. The referendum, held on December 2, 2007, resulted in a "NO" vote of 50.7 per cent, thus defeating Chávez's ambitions. The long-term prospects of his regime are now in question, as he is prevented from running in 2011. It is clear that his regime has lost steam and that he can no longer rely on plebiscites to secure the continuation of his government.

Twenty-first-century Populism

The particular brand of populism that Chávez represents, a left-leaning populism that speaks more of socialism than of nationalism, seems to have recently engulfed two other Andean nations. In Ecuador, the 2006 election of Rafael Correa brought to office a politician who openly embraced "twenty-first-century socialism." In Bolivia, the 2005 election of Evo Morales, leader of the coca-growers' union and candidate of the Movement Toward Socialism party, also signals an important change. Before discussing the important similarities in these two presidencies (and their shared similarities with the Chávez regime), it is important to highlight some significant differences. Unlike the sudden rise of Rafael Correa, Evo Morales had been a feature of Bolivian politics for quite some time. He started as a union activist in the mid-1980s, when he led a coca-growers' association, and then became active in politics in the early 1990s, getting elected to Congress in 1997 under the banner of a party that later became MAS. Rafael Correa, on the other hand, is a middle-class professional who began a career in politics as a technocrat, becoming Minister of Finance in 2005 in the Alfredo Palacio administration. He did not have a political party and created one (PAIS, Proud and Sovereign Fatherland) only when he decided to run for the presidency. Although he entered into some alliances (initially with the Socialist Party and later with a series of small left-wing and civil society organizations when contesting in the electoral runoff), Correa does not really have a party in the manner that Evo Morales in Bolivia does. Nor are Correa's political views similar to those of Morales. Correa, as an observant Roman Catholic, couches his advocacy for a twenty-first-century socialism in humanistic terms. Morales, on the other hand, advocates a more radical brand of socialism that is infused with nationalistic and indigenous overtones.

Despite their differences in political outlooks and organizational trajectories, both Correa and Morales have embarked on a path that closely resembles Chávez's. Both Correa and Morales ran on a platform that promised a radical break with the existing political arrangements. They announced that once elected they would convoke constitutional assemblies to draft new constitutions.

After taking office, Correa rallied against the "oligarchy" and the "bigwigs" ("*pelucones*") who were, according to him, sabotaging his efforts to change Ecuador. Since he lacked a majority in Congress, Correa had to rely on his allies (most notably Pachakutik and the Socialist Party) to secure approval for his convocation. After a series of astonishing developments—which included the removal of fifty-seven representatives by the Electoral Tribunal in retaliation for the equally unconstitutional removal of six members of said Tribunal by the unicameral congress—Correa finally secured approval for his assembly. Then, in another twist of this convoluted story, his government, disregarding the expressed wishes of Congress, issued a convocation that granted the upcoming assembly full powers, thus opening the possibility of shutting down Congress once the constitutional assembly was inaugurated. As in Venezuela, a plebiscite (held on April 15, 2007) legitimatized the call for a new constitutional assembly. Elections for the actual assembly were held on September 30, 2007, and Correa's supporters secured eighty of the 130 seats. As soon as it was inaugurated, the assembly "suspended indefinitely" the Congress and removed a number of high-level officials, including the General Attorney. Soon thereafter, both Correa and his vice-president resigned before the assembly and were subsequently reappointed by it. In this fashion, Correa drastically changed the rules of the game. The draft of the new constitution, not yet enacted, gives him the right to run for re-election, a prerogative that was banned by the current constitution.

Morales followed a similar path in Bolivia, but his efforts to reshape its politics have run into considerable opposition. Morales came to power after winning an historic election with 54 per cent of the vote, thus sparing him the need to go through congressional confirmation. As mentioned before, Morales leads a solid party that has deep roots in the shantytowns that surround La Paz, and in the countryside, especially in the coca-growing areas. His party also includes some civil society organizations. In this sense, Morales's government enjoys an organizational strength that was not available to Bucarám and Correa in Ecuador, Fujimori in Peru, or Chávez in Venezuela. As such, his rule is less personalistic and more bounded by intermediate organizations.

On the other hand, one finds in Morales's government the confrontational mentality, exaltation of leadership, appeals to mechanisms of direct democracy, and disregard for institutional checks and balances that one finds in Ecuador and Venezuela today. Evo Morales espouses a nationalistic discourse, but his brand of nationalism, as Mayorga notes (2006, 10), is heavily influenced by ethnic components. Thus, as Mayorga also argues, there is an inherent tension in Morales's government between its nationalistic and its indigenist rhetoric.

Morales shares other key components of populism. Soon after his overwhelming election, he pushed for the convocation of a constitutional assembly. Congress approved this request but established that a qualified two-thirds majority would be required to approve articles of the constitution. When MAS failed to achieve a two-thirds majority in the new assembly, Morales's supporters pushed for a new regulation that would require only a 51 per cent majority to

approve new articles. Such blatant disregard for the existing rules of the game precipitated a dramatic political crisis. Representatives of the Southern and Eastern lowland regions (Santa Cruz, Tarija, Pando, and Beni) along with the representation of PODEMOS, the most important opposition party, decided to boycott the proceedings, thus paralyzing the assembly. The dispute deepened even more as residents of Sucre, where the Constitutional Assembly was meeting, demanded that their city be declared Bolivia's capital. After a year or so of virtual inactivity, the MAS forces approved a draft of the constitution in a night-long session, with members of the opposition absent. Again, the strong-arm machinations were denounced by the opposition and, in protest, the lowland regions convoked regional plebiscites to approve autonomy. One after another, massive votes supported the demands for autonomy in these regions, challenging the unity of the state. At the moment of this writing, the government and the opposition are embroiled in negotiations on how to deal with the crisis. Just recently, the Morales administration relied on mechanisms of direct democracy to keep the upper hand. On August 10, 2008, it held a recall election not only for President Evo Morales but also for the leaders of all departments, including the ones that demand autonomy. As it turned out, however, the government's hope to secure a decisive electoral victory that would keep Morales in power while removing the leaders of the autonomy movement did not materialize. Although Morales did achieve a resounding victory (getting 67 per cent of the national vote) so did the leaders of the four regions that have become the most vocal opponents of the regime. The prefects of Santa Cruz, Tarija, Pando, and Beni remained in office by securing 66, 58, 56, and 64 per cent of the vote respectively (CNE 2008).

Populism, as it has been shown here, exerts a strong attraction in the Andes. Presidents of different political persuasions and varying commitments to democracy often resort to this type of political representation. The persistence of populism reflects the frailties of the region's political institutions but it is also a cause of them. The personalistic style of leadership, the distrust of checks and balances, the use of electoral majorities to undermine institutions, and the confrontational mentality that it fosters, make populism a clear threat to democracy. On the other hand, Andean democracies are too frequently blind to the demands and hopes of the poor and the indigenous. Populist leaders thus appear as the only ones who really care about them. It is by addressing the poverty and inequality that plague the Andes that one could hope to diminish the appeal of those who claim that a "quick fix" for the poor is available if only they could have all the power.

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15 Crime and Citizen Security

Democracy's Achilles Heel

Richard L. Millett

Over the past quarter century much of Latin America has witnessed a remarkable transformation from authoritarian regimes to elected civilian governments. Unfortunately, as is often the case, the bulk of these transitions have been accompanied by a notable deterioration in citizen security. Crime, both common local and organized transnational, has become a constant reality for much of the region's population.[1] Policing is usually inadequate if not incompetent, court systems are overwhelmed, the prison system has become a major source of training and recruits for organized crime, and widespread corruption both undermines efforts to respond and further erodes popular support for elected governments. It is a measure of both the problem's scale and the public's rising frustration that in at least two elections in this century the victors owed much of their support to perceptions that they were serious about combating crime because close relatives had been murdered.[2]

Latin America is by no means alone in facing this dilemma. It is virtually universally present in nations which are emerging from or still immersed in civil conflicts. It is an ongoing issue in the Balkans, especially in Kosovo. In much of Central Africa citizen security is largely non-existent. In Myanmar security for the state insures that there is no real security for ordinary citizens. In Somalia there is virtually no state to provide security. The situation in Iraq and Afghanistan is too obvious to require further comment.

There are a number of factors which contribute to this situation. One element, of course, is the lingering effect of civil conflicts. This is true whether or not there has been a negotiated end to the conflict. There will be elements which reject the settlement, which feel excluded, deprived, or angered over concessions made to their foes and these often make violent efforts to disrupt the process (Lovelock 2005).

The end to civil conflicts frequently leaves thousands of former combatants, drawn from all sides, without jobs, land, or education and accustomed to a violent lifestyle. Efforts to reincorporate these individuals into society are often inadequate and not sustained, providing ready recruits for criminal organizations. This is further exacerbated by the ready supply of weapons left behind by these conflicts.

In addition, the very process of transition to more democratic less authoritarian states contributes to the deterioration of citizen security. As Warren Almand of the Canadian Based International Center for Human Rights and Democratic Development has observed, "Almost every new democracy manifests an overwhelming increase in common crime and delinquency. The result, in many cases, is a groundswell of popular sentiment in favor of a return to authoritarian modes of governance" (Almand 1999).

There are numerous causes for this. To some degree it is a matter of perception. With a freer media, government failures to deal with crime gain much more attention and crimes, themselves, may generate more publicity. Revelations of government corruption can reduce individual incentives to obey the law. But it is also a matter of grim reality. Police are often poorly trained and paid and in a democratic transition may have experienced a leadership purge. They are distrusted by the public and frequently unaccustomed to respecting citizens' rights. Confidence in the judicial system is low and citizens may have neither a tradition of nor faith in the state's capacity to act as an impartial arbiter. Prisons are often badly overcrowded, court dockets overwhelmed, and conviction rates of those finally brought to trial astonishingly low. Under such conditions rapid increases in crime rates and the consequent deterioration of citizen security should come as no surprise.

As the state becomes less capable of controlling criminal violence there is frequently a rapid increase in privatized justice. Those with the economic means often turn to private security companies, frequently controlled by individuals who have been dismissed from the government's security forces for corruption, human rights abuses, or other illicit activities. Overwhelmed police forces make little effort to investigate violent actions perpetrated by these private security firms, giving them virtual immunity and exacerbating their tendencies to use extra-legal violence.

For the poor, this increasingly means resorting to vigilante tactics, hunting down and beating or even killing suspected criminals. Sometimes the poor even organize their own militias which then, in turn, frequently abuse citizens' rights and engage in criminal activity. All of this is destructive to efforts to establish a credible rule of law.

In addition to the rise in common crime here has been a steady increase in the level of organized transnational criminal activities. This reflects the globalization of trade and communications and the consequent breakdown of traditional boundary barriers, the immense wealth generated by illicit trafficking of narcotics, people, arms, and other commodities, and the widespread corruption of public officials, notably at lower levels.

The power and resources available to organized criminal groups often greatly exceeds those available to local authorities. They find it easy to enlist local youth in their enterprises, providing deadly linkages between transnational and ordinary crime.

Part of this problem relates to the inability of many nations to control their entire national territory. For smaller, weaker states this includes an inability to

control their air space and sea frontiers, making them targets of opportunity for those engaged in illegal trafficking. Of greater import are states which cannot control frontier territories, a reality highlighted by the current situation in nations like Pakistan and Colombia. These areas previously had marginalized importance, since events there had little if any impact on the rest of the country. But modern communications have made these in many ways ideal locations for criminal activities and for attacks on central government authority. This, in turn, disrupts the traditional patterns of local authority in frontier regions and jeopardizes their relations with the central government.

Rapid urbanization contributes to citizen insecurity. It breaks down traditional extended family structures and informal authority mechanisms, and creates growing alienation between those who move to the city and their children. This second generation phenomenon, especially among urbanized peasantry, is the greatest single source of violent crime. Rejecting traditional values, but having little to substitute for them, lacking education and opportunity, they readily form gangs and engage in a wide variety of criminal activities.

While all of these factors are global in scope they have had a particularly strong impact on Latin America. The respected Latinobarómetro poll of nearly 19,000 individuals throughout the hemisphere found in 2005 that 41 per cent of its respondents knew someone who had been a victim of crime in the previous twelve months. This was up from 33 per cent a year earlier.[3] In addition, homicide has become the leading cause of death among Latin American males between the ages of fifteen and forty-four. In 2003, although it has only 8 per cent of the world's population, Latin America had 75 per cent of the world's reported kidnappings (Manrique 2006). Not surprisingly, all this translates into low levels of confidence in police and in the judiciary, with under 40 per cent of respondents expressing "a lot" or "some" confidence in these institutions (The Economist 2006a). As Brazil's Paulo Sergio Pinheiro put it, "despite democracy, the rule of law—particularly for the majority of poor Latin American children and adolescents—continues to be elusive. The region is struggling with seemingly intractable problems: abusive use of lethal force by the police forces, extra-judicial killings, lynching, torture, abominable prison conditions, corruption in the criminal justice system" (Pinheiro 2006).

Testifying before the US Congress, Adolfo Franco of the United States Agency for International Development pointed out that "Latin America has the dubious distinction of being one of the most violent regions in the world with crime rates more than double the world average." He further added, "Latin America's per capita Gross Domestic Product would be twenty-five percent higher if the region's crime rates were equal to the world average."[4]

While the situation varies significantly from country to country, virtually every Latin American nation has at least one of the factors I have enumerated as contributing to the rise of criminal violence and citizen insecurity, and most have two or more. Examining a few case studies, including what are arguably the worst, will provide examples of the deterioration of citizen security and the consequent undermining of democratic consolidation.

Case Studies

The four northern nations of Central America, Guatemala, El Salvador, Honduras, and Nicaragua, were all caught up in the violent conflicts which swept through the region from the end of the 1970s until the early 1990s. While Honduras escaped much of the direct violence, it experienced some of the consequences, including a degree of militarization, tens of thousands of refugees, armed incursions across its borders, and a flood of weapons which became widely available. Since the end of the civil conflicts, something achieved in each case by negotiation and internationally monitored political agreements, citizen security has actually declined in El Salvador, Guatemala, and Honduras. Nicaragua is something of an exception, but is in danger of following the lead of its northern neighbors. This situation has been confirmed by conversations with Central Americans, especially Salvadorans, living in the United States who declare repeatedly that "it is more dangerous for me to go back to my country today than it was during the height of the civil conflicts."[5] Recently Guatemala's Vice President, Eduardo Stein, declared that "democratic governance is in jeopardy . . . because of drug money going into local elections" (Stein 2007).

While transnational criminal activity, most notably but by no means exclusively involving Mexican and Colombian organized crime, has greatly expanded in Central America, the impact on the average citizen has been much greater because of the virtual explosion of common crime, especially that associated with violent youth gangs. While exact figures are impossible to come by, estimates of the total number of gang members in El Salvador, Guatemala, and Honduras alone are usually over sixty thousand.[6] Involved in a host of criminal enterprises including extortion, contract killings, narcotics and arms trafficking, kidnappings, and robbery, they have emerged as the overriding security issue in each of these nations.

An example of the actions of these gangs, widely known as *maras*, took place in Honduras in December, 2004. Gang members stopped a rural bus and killed twenty-three passengers, mostly women and children, supposedly as a warning to the government to cease its crackdown on gang activity (CBC News 2004). While this was an extreme example, thousands of others, mostly young males, have been killed in Central America by the gangs. According to Honduras National Commissioner for Human Rights, Ramon Custodio, the nation lives on the brink of anarchy with a desperate population pleading for greater security from a police force "incapable of preventing or controlling kidnappings" (El Nuevo Herald 2007).

In Guatemala in 2007 three politicians from El Salvador along with their chauffeur were murdered. Four Guatemalan policemen were charged with this crime, but they, in turn, were murdered in their jail cells. While this generated a firestorm of debate and denunciations of high-level corruption and impunity, the case has remained unsolved. In the words of Anders Kompass, the representative in Guatemala of the United Nations High Commissioner for Human Rights, the nation is "a paradise for organized crime. The state apparatus is weak, the impunity rate is very high. This has shown that organized crime has

penetrated to a much higher level than we ever thought" (Roig-Franzia 2007). The poor are the most common victims of this criminal violence. On occasion the army is sent into poor neighborhoods to conduct a sweep against criminal gangs, but when the army leaves the gangs return. In some areas desperate citizens have actually put up banners calling for the army's return.

The most powerful gangs are in El Salvador, where they are often led by individuals who had been deported from the United States for criminal offenses. Central Americans attribute much of the gang problem to Washington's policy of deporting aliens convicted of felonies after they complete their jail terms. Prison has often functioned both as an institution for advanced training in criminality and as a center for networking between Central American and North American criminal organizations. In El Salvador, and also in Guatemala, many in the business community, frustrated by government inability to control gang violence, have hired off-duty police, private security companies, and others to eliminate actual and potential gang members. Known as "exterminators" they have significantly contributed to the spiraling homicide rate among young males (EFE 2007).

Despite sharing the heritage of a brutal civil war, having easy access to weapons, and suffering from extreme poverty, Nicaragua has to date escaped the worst effects of gang violence. This may reflect a more effective police force, combined with higher levels of public support for and faith in the administration of justice. Perhaps of greater importance is the fact that Nicaraguans who fled north during the civil conflicts of the 1980s and 1990s came more from the middle and upper classes and therefore a significantly smaller number engaged in criminal activities with subsequent arrests and deportations. Also, Nicaraguan criminal elements have an outlet for their activities in the much more prosperous neighboring nation of Costa Rica.[7]

As difficult as the situation is in Central America, it may be even worse in Haiti. Living in the hemisphere's poorest nation, Haiti's citizens have rarely enjoyed real security. The predatory Ton-Ton Macoutes of the Duvalier era were replaced by the violent repression of a series of military governments. US intervention ended the military regime, but also created a security vacuum which international drug dealers, unemployed former soldiers, and local criminal gangs all rushed to fill. At a 1995 conference in Miami I had several conversations with Haiti's new Justice Minister about the problems of trying to establish citizen security and the rule of law among a largely illiterate population that had never had any reason to trust state justice. He readily admitted it was a huge task requiring prolonged public education and that resources for this were nearly non-existent. In the years that followed, constant political conflict led to another US intervention and, ultimately, to the creation of a UN peacekeeping force (MINUSTAH). Despite the UN's presence, however, violence continued to spread. The 2003 Annual Report of the Inter-American Commission on Human Rights noted "the existence in Haiti of armed groups who act unlawfully and with impunity, sometimes terrorizing the population," added that there was "credible information that judges were pressured by armed groups seeking to

influence the outcome of certain cases" and decribed the "state's failure to guarantee the population's security" (Inter-American Commission on Human Rights 2003). The following year the United Nations Office for the Coordination of Humanitarian Affairs declared that the crime rate had reached the point where it was restricting humanitarian aid distribution (UN News 2004). By the start of 2007 the Overseas Security Advisory Council had Port-au-Prince rated as "CRITICAL for crime," adding that "organized gang criminal activity has been on a sharp rise in the past year" and "kidnapping remains the number one criminal activity" (Overseas Security Advisory Council 2007b).

All of this helped produce a 2007 agreement between the Haitian government and MINUSTAH to send the eight-thousand-strong peacekeeping contingent into the capital's slums to combat the worst gangs. In a series of bloody engagements the gangs were driven from some of their strongholds and a modicum of security was restored to the roads in Port-au-Prince. The UN force commander, Brazilian Major General Carlos Alberto da Santa Cruz, pledged that he would "continue to cleanse these areas of the gangs who are robbing the Haitian people of their security" (Lacey 2007). But, as is often the case, the troops lacked the capacity to permanently control large areas and the basic problem remains unresolved.

Mexico has long been plagued by both organized and common crime. Much of this involves illegal trafficking of narcotics and people into the United States and of arms from the United States into Mexico. As a result some of the worst violence and most powerful organized crime groups were concentrated near the US border.[8] The situation deteriorated steadily in the 1990s, fueled by widespread corruption, by the slowly deteriorating authority of the ruling party (the PRI), and by extreme poverty in urban areas, especially parts of Mexico City.

With the election of Vincente Fox as President in 2000 the eight decades of rule by Mexico's Institutionalized Party of the Revolution (PRI) ended. The new administration had pledged to deal with crime, but its efforts were largely unsuccessful. Reports of serious Federal crimes climbed from a daily average of 203.1 in 2001 to 300.4 in 2006 (Centro de Estudios Sociales y de Opinion Publica 2007). Kidnappings had become a major source of concern, many of them involving Mexico's hoard of unregulated taxis. Suspicions were rife that the police, themselves, were involved in many of these, something given additional credence in 2006 with the arrest of fourteen police in Baja California for involvement in kidnappings and other crimes.[9] Violence spread beyond Mexico City as drug cartels fought over transit routes in the states of Michoacan and Guerrero. By 2006 murders attributed to narcotics trafficking had reached 2,100, with over six hundred of these in Michoacan alone (The Economist 2007). Newly elected President Felipe Calderon, declaring that in parts of the country "organized crime was out of control," sent the army out to fight the drug traffickers and attempt to restore some semblance of order (*Jane's Intelligence Review* 2007b).

President Calderon's efforts generated considerable publicity, most of it favorable, and resulted in the arrest of several leaders of the narcotics cartels and

the death of others. The cartels, however, struck back, attacking both newspapers who reported on their activities and government officials who tried to combat them. In September, 2007, the State Police Chiefs in both San Luis Potosi and Hidalgo were murdered. Attacks on newspapers became so frequent that Reporters Without Borders named Mexico as the world's second most dangerous nation for journalists, after Iraq (Root 2007). Government officials expressed a determination to continue the fight and the United Sates offered increased assistance, but, for the moment at least, Mexico seemed to be returning to the nineteenth-century era of Porfirio Diaz when it was said that Mexico was safe for everyone except Mexicans.

While Mexico has a long tradition of violent politics and criminal activity, Brazil had long enjoyed a reputation as a less violent nation, dedicated more to the joys of carnival than to violent crime. Unfortunately, by the latter part of the twentieth century this was changing as crime spread to the tourist beaches of Rio, the business hub of São Paulo, and even to the Europeanized regions of the southern state of Rio Grande do Sul. In part this stemmed from the extreme poverty in the poor *favelas* around Rio and other cities, in part from Brazil's lack of any effective controls over firearms sales and distribution. But a major aggravating factor was the nation's growing involvement in the international narcotics and arms trades. By the start of the twenty-first century Brazil had become a major transit point for Colombian cocaine heading for Europe (BBC News 2003). Some of this went direct, some via Africa, notably through the former Portuguese colony of Guinea Bissau. In return arms from Brazil flowed to insurgents in Colombia, often via Surinam, and even to organized crime groups in Japan. In 2003 Brazil finally passed legislation to regulate the sale of firearms, but by then there were an estimated fifteen million handguns in the country, with an estimated four million of these possessed by criminals (Manrique 2006, 7).

The growing practice of drug dealers paying those who facilitated their international trade with narcotics rather than cash contributed to a growing drug problem in Brazil. Children as young as six were being paid with narcotics to work for local criminal gangs.[10] This contributed to a sharp rise in violent crimes in the poorest neighborhoods, most of it perpetrated by youth gangs.

These gangs became increasingly organized and powerful. In 2003 battles among drug gangs threatened to disrupt Carnival in Rio and led the Federal government to send three thousand troops to the city. Most dangerous of these gangs was a group known as Primeiro Comando da Capital which had its origin in a series of 2001 riots protesting the conditions in Brazil's overcrowded prisons. In 2006 this group staged an open uprising in the nation's largest city, São Paulo, attacking police stations, burning buses, and bringing business to a virtual halt for five days (The Economist 2006b). Ultimately the military had to help restore a modicum of order. While violence declined in São Paulo after that, it surged elsewhere. In Rio in December the gangs attacked police posts and buses, killing at least nineteen. By April Rio's Governor was again calling for the introduction of Federal troops to stem rampant violent crime (Reuters

2007). According to the Overseas Security Advisory Council, by 2007 in much of urban Brazil "violent crimes such as murder, rape, kidnappings, armed assaults, and burglaries have become a part of normal everyday life" (Overseas Security Advisory Council 2007c).

Brazilians have reacted to this by bringing the military into the streets, by increased police violence, and by longer incarcerations, adding increased tinder to the explosive situation in the hopelessly overcrowded and gang-controlled prisons. From 1999 through 2004 the police killed 9,899 people charged with "resisting the authorities." In Rio alone this led to charges against 558 police officers, only fourteen of whom were ultimately discharged (Manrique 2006, 7).

While police efforts focused on protecting the middle and upper classes, those living in the poorest areas were largely left to fend for themselves. In response they began to organize their own militias and to lynch criminals. By 2007 these militias were estimated to control ninety of Rio's six hundred *favelas* and were spreading to other cities. But as they gained some ground against the gangs they began to exhibit criminal behavior of their own, notably extortion (Downie 2007). Along with poverty and unemployment, criminal violence has emerged as a dominant political issue in Brazil, and the state's continued inability to provide security, especially for the poor, remains among the greatest challenges facing its government.

Colombia has long held the reputation as being Latin America's most violent nation. Indeed, before the US invasion of Iraq it was sometimes seen as the world's most violent state. The homicide rate reached the astonishing level of 81 per hundred thousand in 1992. After declining slightly for a few years it again rose at the end of the twentieth and start of the twenty-first century, reflecting rising conflict between government forces, leftist guerrillas, organized criminal groups, and paramilitary forces (Sanchez, Solimano, and Formisano 2003). Signs along major streets urged citizens to keep their eyes open as there were violent criminals in the area. By the end of the twentieth century the state appeared to be in a state of near collapse as various illegal armed groups fought for control of much of the national territory. Some success in Colombian and US efforts to combat the major narcotics cartels, highlighted by the death of Pablo Escobar, only brought the guerrillas and paramilitaries more directly into trafficking as they made alliances with the smaller, weaker cartels which replaced the earlier organizations. Conflict was increasingly spilling over Colombia's borders into neighboring countries, bringing violence and corruption to the previously relatively peaceful areas of Panama, Ecuador, Venezuela, and even Brazil (The Economist 2006c).

The 2002 election of Alvaro Uribe as Colombia's President signaled a shift in government policies toward the illegal armed groups. With strong support from the United States, he moved aggressively against the guerrillas, renewed some efforts to extradite leaders of the narcotics cartels and expanded efforts to curb coca cultivation. Negotiations were begun with the paramilitary forces which resulted in the disarming and disbanding of much of this force. The guerrillas were driven back to more remote areas, cities such as Bogotá became

safer than they had been for over a decade, and Colombians even began to venture out on the major highways, at least during daylight hours, without fear of being ambushed and robbed or kidnapped.

Progress, however, has had its limits. Colombia is still among the world's more violence-plagued societies. Efforts at coca eradication seem to have stalled and meanwhile some of the crop has simply moved back to former cultivation areas in Peru and Bolivia (The Economist 2006c). Murder rates remain high, especially in the larger cities, and common crime continues at extremely high levels. As long as ten years ago the World Bank estimated that if it were not for the high rate of crime and violence "Colombia would today have a per capita income on the order of 32 percent higher than it currently has" (Ayres 1998).

Government officials have been increasingly involved in accusations of links with paramilitaries and other illegal activities. Other criminal activities, including counterfeiting and people smuggling, continued unabated. Interpol estimated that 35,000 Colombian women were being shipped each year from Colombia to other nations as part of the international sex trade (Inter-American Commission of Women 2001). Colombia has made significant progress in reducing the level of homicides and kidnappings and restoring a degree of state authority, but the basic plague of criminal activity, especially as it impacts poor Colombians, showed less improvement and is proving much more resistant to change.

Chile has been a major exception to Latin America's crime epidemic. While common crime, especially in Santiago, has been a growing problem, the country remains at or near the lowest level in all of Latin America for all varieties of violent crime. According to the BBC, "Chile is relatively free of crime and official corruption" (BBC News 2007).

This can be explained by a number of factors. While Chile experienced a transition from authoritarian to democratic rule in the 1990s this was achieved largely without violence. Chile had experienced episodes of severe repression, but had no major internal conflict, no civil war with the consequent proliferation of firearms and the problem of dealing with ex-combatants. Furthermore, Chile had a long tradition of democratic practices and a party structure based more on discipline and ideology than on loyalty to an individual leader. For Chile the military's rule was an interruption in a long democratic tradition, whereas in many other nations democratic government represented a break with a long authoritarian tradition.

Chile also experienced the highest economic growth rate in Latin America over the past thirty years. Combined with a relatively low rate of population growth, this helped control unemployment, finance government services, and provided legitimate opportunities for Chile's youth. More recently the boom in world copper prices has provided additional income, helping Chile offset the impact of rising fuel costs.

Chile's administration of justice is also more effective and credible than that in almost any other Latin American nation. According to the "Chile 207 Crime and Safety Report" the *Carbineros*, Chile's National Police, "are considered to

be the most professional police force in Latin America" (Overseas Advisory Security Council 2007a). Much of Chile's public seems to share this assessment: public confidence in the police in Chile is 60 per cent in contrast to approval ratings of around 30 per cent in the rest of Latin America (Manrique 2006, 3).

One final factor must be considered. Chile's geographical position, on the extreme southwest corner of Latin America, separated from Argentina to the east by the towering Andes and from Peru and Bolivia to the north by the arid Atacama desert, was long seen as a major obstacle to national development. But today it insulates Chile from the world of transnational crime. Chile is not a transhipment point for narcotics, people, or any other illicit trafficking. Few Chileans are desperate to emigrate so people smugglers find little opportunity. The country doesn't produce narcotics nor is it a major arms exporter. History, economy, geography, and national character have all combined to make Chile the greatest exception to Latin America's pattern of violent crime and citizen insecurity.

Conclusions

For most of Latin America's history citizen security was threatened largely by state repression and by conflicts between governments and insurgent forces. While these issues remain in some cases, they are generally much less serious than was the case a quarter of a century ago. But negotiated ends to some civil conflicts, transitions from authoritarian to more democratic systems, and even growing respect for individual rights within the administration of justice have all too often failed to provide the basic citizen security that is a fundamental obligation of every state. Today the greatest threat comes from non-state actors, notably transnational criminal groups, local youth gangs, and the growing tendency to privatize security.[11] This, in turn, leads to a loss of public faith in the democratic process, and increased demands for hard-line policies, regardless of their impact on individual rights and the rule of law (Godoy 2006).[12]

The epidemic of crime is both a result of and a contributing factor to Latin America's massive poverty. It hurts economic growth, and discourages investment. This in turn contributes to high levels of unemployment, especially among youth, providing a constant source of recruits for criminal organizations.

The World Bank has identified four basic areas in which crime impedes growth and contributes to increased poverty. These include adverse effects on the stock of physical capital, the erosion of the development of human capital, the destruction of social capital, and the undermining of government capacity (UN News 2004, 7–8). To this list might also be added the loss of faith and credibility in government and the democratic process.

Of all these factors the most devastating may well be the impact on social capital. As the World Bank Study concludes,

> crime and violence have devastating effects on social capital. Norms of trust and reciprocity are replaced by the "war of all against all." Community-based organizations and other social networks, deemed as critical for growth and poverty reduction, suffer attrition. . . . The increase in crime

> and violence makes it increasingly difficult for any sort of community organizations, not based on fear and coercion, to function. (UN News 2004, 8)

Much of Latin America seems increasingly trapped in a descending spiral of crime and citizen insecurity. This exacerbates the very conditions which helped produce this epidemic in the first place, undermines state capacity to respond, and erodes the capacity of civil society to develop the institutions and values that are necessary to support democratic structures and provide economic opportunity. In many cases it produces a situation of formal peace without security. The concept of "post-conflict society" seems to have little meaning as conflicts continue, in a new, and often more deadly form.

There are no quick or easy solutions to this situation. The problem is largely beyond the capacity of individual states to resolve. It demands much greater international cooperation and assistance, a much stronger focus on the issues of administration of justice rather than the more formal aspects of democratic development such as elections and media freedom. This is not to say that those are not important, but without citizen security, without state capacity to deal with the most violent and corrupting elements, these will have little meaning and may not long endure. Crime is indeed the Achilles heel of democratic transitions and economic development in Latin America and in many other areas. Failure to deal with this issue will eventually produce devastating consequences for the entire global community.

Notes

1 For a series of essays exploring this issue see Tulchin et al. (2003).
2 This was true in Colombia where President Uribe's father had been murdered and in Honduras where he same fate befell President Maduro's son.
3 Cited on World Bank Private Sector Development Blog, October 27, 2005.
4 Testimony of Adolfo A. Franco, Assistant Administrator, Bureau for Latin America and the Caribbean, United States Agency for International Development, before the Committee on International Relations, Subcommittee on the Western Hemisphere, House of Representatives, April 20, 2005.
5 My interviews with Central Americans in Washington, DC, and in Miami over the past decade have repeatedly elicited comments like this.
6 See, for example, the numbers cited by Saul Eliezar Harnandez in his presentation on "Fenomeno de las Pandillas en la Region Centroamericana y la Importancia de la Cooperacion International" before the Inter-American Drug Abuse Control Commission Meeting, June 17, 2005.
7 Costa Ricans blame most of the crime in their nation on Nicaraguan immigrants.
8 For a detailed description of this see Rotella (1998).
9 See *Jane's Intelligence Review* (2007a, 52). Dr. Hal Klepak of the Royal Military College of Canada, himself a victim of a kidnapping in Mexico City, has expressed to me his conviction that police officials were involved.
10 Testimony of Adolfo A. Franco, 2005.
11 For a detailed description of these threats see Kooning and Kruijt (2005).
12 Angelina Snodgrass Godoy (2006) focuses on this trend, especially as it manifests itself in Guatemala.

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16 The Left in Government

Deepening or Constraining Democracy in Latin America?

Martin Nilsson

Introduction

After the transition from military dictatorship to electoral democratic rule in Latin America during the 1980 and 1990s, most of the newly elected governments were right-wing supporting elite democracy[1] and the hegemony of neo-liberal economic policies (Middlebrook 2000). But in the late 1990s, the left began to win or were re-elected in presidential, parliamentary, and local elections, or became the major challenger against right-wing governments—setting off a massive and relatively long-term wave of democratically elected left leaders in Latin America (see also Cleary 2006, 36). This wave of victories began with Venezuela in 1998, when the former military officer Hugo Chávez was elected as president with a populist leftist agenda, and continued with successes in Chile, Brazil, Ecuador, Argentina, Uruguay, Bolivia, Costa Rica, and Peru; most significant was the success of the former revolutionary Daniel Ortega in Nicaragua in late 2006. Also during this period, the left gained electoral ground and became a major challenger against the right in other Latin American countries, including El Salvador and Mexico.

Taken together, these left-wing victories have prompted inquiry throughout much of the region and beyond (Hakim 2003; Conger 2003; Schamis 2006; Cleary 2006), with large publications such as *Foreign Affairs*, *The Economist*, and the *Journal of Democracy*[2] attempting to address their consequences for politics and the economy. Both historically and more recently, however, the left has not operated as a cohesive force (Martz 1989), and as such, conceptualizations and categorizations of the left have been numerous and varied within the literature. In an attempt to add depth to knowledge on the left in the era of democratic consolidation and in the face of conflicting definitions, this chapter offers a conceptualization of the left that encompasses two broad categories. These are based upon the left's view on deepening democracy (cf. Roberts 1998, 18–41) and will for socioeconomic reforms. The first category is the participatory and to some extent popular left, with a radical political, economic, and social agenda, as represented by Chávez in Venezuela, Morales in Bolivia, Ortega in Nicaragua, and Lula's Workers Party in Brazil (although Lula in practice is considered more moderate than the others). The political agendas represented by these countries

have historical similarities with earlier situations in Guatemala (1944–54) and Chile (1970–73), when the reigning left-wing parties attempted to develop radical participatory democracy[3] with strong economic and social anti-poverty measures. The second category is the pragmatic social democratic left, as represented by Costa Rica (1949 to present) and Venezuela (1958 to present), as well as Chile, Argentina, and Uruguay from the 1990s. This category supports liberal democracy,[4] does not challenge market economic policies (as exemplified by neo-liberalism in the 1990s–2000s) and, at least on the surface, offers little in the way of mitigating social inequalities.

This chapter aims to explore the nature of democracy in the context of its resurgence in Latin America, specifically attempting to understand whether and how the new left as a political actor can move beyond an electoral democracy toward a deepening of democratic institutions. After discussing the societal and political transformations that led to the left's resurgence in Latin America, the chapter moves into a conceptualization of the left, addressing both the radical participatory and the social democratic left in relation to their fundamental views on democracy and the economy. Subsequently, the chapter turns toward a historical discussion of past leftist governments—both radical and more social democratic cases—which in turn points to structural constraints that, at least historically, have hindered the accomplishment of radical participatory democracy in Latin America. The question that this chapter conclusively attempts to address is what implications this might have for democratic stability, when Latin America is once more facing the reality of democratically elected, but radical left leaders.

The Rebirth of the Left

The last decades have been an ambivalent period for the Latin American left. During the military era in Latin America, the left—including leftist organizations, parties, and individuals—comprised more or less uniformly Marxists; however, they were often inspired by varying ideas and strategies to achieve socialism (Martz 1989; Ellner 1993). Social democratic parties have been sparse in Latin America, with the Partido Liberación Nacional (PLN) and Acción Democratica (AD)—which have been major political forces in Costa Rica and Venezuela—serving as two of the few exceptions (Castañeda 1993, 327). In contrast to Western Europe, the economic depression and the military's entrance into the political scene in the 1930s interrupted democratic development in South America. Up until the "third wave" of democratization (Huntington 1991, 13–22), regular free and fair elections took place only in countries such as Colombia, Costa Rica, Chile, and Venezuela, and free elections were held sporadically in Argentina, Brazil, Bolivia, and Uruguay.

In 1968, when the Argentinian doctor and the symbol of the Latin American revolution, Ernesto Che Guevara, was assassinated in the Bolivian jungle, and after the "democratic and peaceful socialistic revolution" of Allende ended with

a coup, the left's view of revolution began to change dramatically (Ellner 1993, 1–15; Roberts 1998, 20–25; Lievesley 1999, 70–94; Brown 1996, 169–92). After the collapse of Communism, the left was ideologically exhausted, and moved toward the decline of Marxism-Leninism, the Marxist utopia, anti-capitalism and toward a diminished confidence in social revolution. Democracy, market economics, and social movements became the new leading, but competitive set of ideas within the divided left. Only a few left-wing parties and leaders wanted to maintain close ties to the notion of a violent social revolution. In the face of the failure of the socialist project and of the hegemony of neo-liberalism, in an era when the military dictatorships had been replaced by democratically elected governments, the left had difficulties redefining its role in society. The left was suddenly confronted with the task of finding an alternative to the economic neo-liberal model and to developing and deepening democracy in Latin America. Although it lacked a clear and uniform path toward this aim, and toward a reliable and democratic leftist institution, the legacy of violent revolution had vanished and the ballot box enabled a wave of successful elections.

The trend of successful elections began in 1998 (see Schamis 2006) with Hugo Chávez's populist leftist victory by an overwhelming majority in Venezuela. Chávez's victory was followed by Chile in 1999, when the moderate socialist Ricardo Lagos was elected president; Lagos represented the center-left coalition that had ruled Chile since the return of democratic rule in 1990. The electoral victories of the left moved on to Brazil, where Luis Inácio "Lula" da Silva, the former metalworker union leader and the leader of Partido dos Trabalhadores (PT, the Workers' Party), was installed as the new president in 2003 (and was re-elected in 2006); and to Ecuador, where the military officer Lucio Gutierrez won the presidency on a populist platform, with the support of indigenous people, in 2003; to Argentina, where Néstor Kirchner won the presidential election in 2003 with a social democratic agenda supported by the left coalition of Frente País Solidario; and to Uruguay, where the presidential candidate from Frente Amplios seized presidential power in 2004. Alluding to this wave of electoral leftist successes, Hugo Chávez, during an unannounced appearance at the 2003 World Social Forum in Porto Allegre, Brazil, called attention to the "the birth of a new left" in Latin America.

During 2005 and 2006, the left wave continued with the victories of the indigenous Evo Morales and his radical agenda in Bolivia, the socialist Michelle Bachelet's success in Chile, the Social Democrats' reclaiming of the presidency in Costa Rica, and the re-election of former president Alan García in Peru with a social democratic agenda. Finally, in 2006 the former revolutionary Sandinista leader Daniel Ortega won the presidential race in Nicaragua, and Rafael Correa's Alianza Patria Altiva I Soberana (PAIS, Alliance of Proud and Sovereign Fatherland) won the presidency in Ecuador. Finally, in late 2007, Cristina Fernández de Kirchner won the presidential election in Argentina, and the social democrat Álvaro Colom won the run-off election for president in

Guatemala. In other countries, the left gained major electoral grounds and became the major challenger against right-wing presidencies. Examples include Frente Farabundo Martí para Liberación Nacional (FMLN) in El Salvador and Partido de Revolución Democraticá (PRD) in Mexico (see Castellano 2001, 18). The left in these countries, referred to here as the populist participatory left, propose a radical agenda similar to that of Chávez in Venezuela, Morales in Bolivia, Correa in Ecuador, and the Workers' Party in Brazil.

Conceptualizing the Left

The above victories, taken together, represent a monumental trend that has not been matched historically (see Cleary 2006, 35). Importantly, however, this wave does not imply a uniform, united left. Conceptualizations and categorizations of the left are numerous and varied, and include categories such as the moderate left, the reformist left, the social democratic left, left-wing populism, the participatory left, the radical left, the petro-left, and the nationalist left. Thus while this chapter pays heed to and recognizes a surge of leftist victories, it attempts to move beyond the multiplicity of conceptualizations toward two broad categories that encompass distinct tendencies in terms of their degree of radicalism on deepening democracy and socioeconomic reforms (see also Roberts 1998, 18–19; cf. Chilcote 1993, 177; Petras 1999, 13–49, 116–27; Castañeda 1993, 16–20; Schamis 2006, 20–1; Cleary 2006, 36).

The first category is the *radical, populist and participatory left*, which challenges liberal democracy and the hegemony of neo-liberal economic policies and social injustice, and replaces them with radical and participatory democracy, a more anti-capitalistic economic order, and strong ties to social reforms and to redistribution to the masses. Some elements of the radical democratic platform stem from authors such as Antonio Gramsci, Noberto Bobbio, Chantal Mouffe, Ernesto Laclau, and Jorge G. Castañeda.[5] This radical new left is represented by the major left parties in Nicaragua, El Salvador, Guatemala, Mexico, Venezuela, Brazil, Ecuador, and Bolivia; it has similarities with the left during the Allende presidency, and also has links to traditional European social democracy, which conceptualized an active state to promote social and economic development. This left also quite often adhered to a populist agenda trying to attract the broad masses, often indigenous people. Thus far Chávez and to some extent Morales in Bolivia and Correa in Ecuador represent the most radical tendencies of the participatory left.

The second category is the left of center's *Social Democrats*, which adhere to developing liberal democracy and maintaining their predecessors' neo-liberal economic policies. The modern Social Democrats tend to stand for reformism and pragmatism, and have eliminated legacy slogans such as "class struggle" and "socialism." This tendency, more or less, follows the route of Anthony Giddens's (1994) third wave of modern social democracy, which lies between

the right and the traditional left in the global era. In theory, this implies a modern stance on issues related to globalization, economic integration, and free market economy; in reality, it means acceptance of the neo-liberal economic world order. The social democratic platform also encompasses ideas such as equality, protection of the weak, freedom and autonomy, rights with obligations, and cosmopolitan pluralism and democracy. Social justice is still important, but collective solutions in society should be addressed by taking equality and individual freedom into consideration. This tendency of the left is a major political force in Chile, Argentina, Uruguay, and Costa Rica. Still, there exist some rather successful, in terms of election results, *orthodox* left-wing Communist parties (in Chile, for example), but these are no longer a major challenger against the right or against other tendencies of the left in today's democratized Latin America.

In situating this conceptualization of the Latin American left in the context of the wider political spectrum, one finds right-wing parties, commercial groups, military forces, and the U.S. administration at one end of the spectrum, which adhere to an elite electoral democracy and a neo-liberal economic system (Gills and Rocamora 1992; McSherry 1998; Paige 1997; Saxe Fernández 1999). At the opposite end of the spectrum one finds the radical, participatory left with an anti-capitalistic agenda. In between these two extremes lie the Christian democrats and the social democratic left—i.e., the "left-of-center," which promotes liberal democracy (see Lievesley 1999; Roberts 1998).

The sections that follow turn toward country-specific cases that can shed light on these divergent views of democracy and economy within the left. As the discussion will show, when reigning left-wing democratic parties have historically tried to initiate radical participatory democracy with strong economic and social anti-poverty measures in Latin America, the result has been *coup d'état* or rebellions, supported by the military and the United States. Chile under Salvador Allende (1970–73) and Guatemala during the democratic era in the 1940s to 1950s represent this type of case. Also revealed below, however, is that in other cases—both historically and more recently—when leftist parties or the social democratic left of center have established or remained within the framework of representative liberal democracy, the result has seemingly been stabilization of liberal democratic rule. This type is represented by Costa Rica from the 1940s to the 2000s and Chile after the return of democracy in the 1990s.

Democracy with Radical Reforms: The Cases of Guatemala and Chile

One country often forgotten in discussions of the second wave of democratization is *Guatemala*. Guatemala is not part of Huntington's (1991) first or second waves of democratization (1828–1922 and 1943–62, respectively); however, Guatemala was one of the first countries in Latin America to practice

relatively free and fair democratic rule. After a military-supported "revolution" in 1944, in which workers, the middle class, and students brought an end to the dictatorship of General Ubico and established a revolutionary junta, a democratic constitution was drafted. Two presidents were subsequently elected with support from the left[6] in the most democratic elections in the history of Guatemala[7] (Gleijeses 1991, 36, 83).

During Guatemala's first short period of democratic rule, several reform packages were launched. These included measures to modernize public education, health care, housing, and labor legislation. Under the Arbenz administration the ambition was further expanded to transform the dependent semi-colonial economy of Guatemala into a modern independent industrial state (LaFeber 1984; Keen 1992; Yashar 1997).

When more radical land reforms were launched in 1952, and after the Communists widened their public support, Guatemala's democratic administration met resistance from conservative landlords, from the military, and from American multinational companies and the Eisenhower Administration. In 1954, a silent coup led by the exiled Guatemalan Colonel Castillo Armas—which was supported by the CIA and indirectly by the military—sparked thirty-seven years of civil war and guerrilla warfare against Guatemala's military regime (Keen 1992; LaFeber 1984; Yashar 1997). From June 1954, Colonel Armas "ruled with the support of the upper class, a purged army, and the Eisenhower administration" (Gleijeses 1991, 383).

A second case exemplifying democracy with radical reforms is *Chile* under the socialist president Salvador Allende and the Unidad Popular (UP) coalition of left and center-left radical parties. When Allende was democratically elected in 1970, a period of turmoil began, primarily stemming from the view that the new administration was a major threat to the existing economic and social order in Chile. The presidential election divided Chilean society (Oppenheim 1993, 34–115; Collier and Sater 1996, 330–5).[8] On one side were the left and the Unidad Popular with a radical view of democracy, emphasizing a transformation of the roots of Chilean society, including major redistribution of incomes and properties. On the other side was the right, committed to conserving the existing structure of society without any redistribution of public or private incomes. In between, the Christian Democratic Party occupied an ambivalent position.

During the election campaign, Allende's Unidad Popular promised to "begin to accomplish socialism in Chile." And after Allende's victory—although aware of the challenges of actualizing socialism to its fullest potential—the Unidad Popular sought to initiate a peaceful revolution, which encompassed several socioeconomic reforms (Programa Basico de Gobierna de la Unidad Popular, Allende 1973). The two most controversial of these reforms were the land reforms and the socialization of parts of the private industry (Oppenheim 1993, 48–77; Valenzuela 1978; see also Allende 1973). The Unidad Popular also prioritized low unemployment, decent wages, high economic growth, low inflation, and measures to stimulate private consumption (Allende 1973)—all

pointing to classic Keynesian economics. Specific objectives also included a series of welfare reforms and some institutional reforms.

After a military coup on September 11, 1973, the democratic government of Allende was replaced by a military junta. The interpretation of this development has remained a perpetual source of controversy in Chile. Some argue that the military coup was inevitable, since the government of Allende would eventually and inevitably take the same path as Castro's Cuba; however, Allende's democratic rule was also undisputedly rooted in Chilean society, and in the left. Oppenheim (1993, 91–110) claims that several national and international factors contributed to the political chaos (see also Collier and Sater 1996, 352–8; Valenzuela 1978; Linz 1978). These factors include a lack of unity within the Unidad Popular (between revolutionary radicals and more pragmatic parties); a political system that allowed for a president to take office and to some extent carry out radical reforms without majority support from Congress; and, above all, the substantial power exerted from the right coupled with a military determined to vehemently fight Allende's regime at all costs.

The coup also took place during the Cold War between the US and the Soviet Union, which influenced regional and national conflicts in the world and in the post-era of Castro's revolution in Cuba. When the democratically elected government tried to transform and convert the consolidated liberal democracy (see Dahl 1971, 248) into a more participatory democracy (i.e., into a democracy with more people's participation in the political, economic, and social spheres) and redistribute economic resources from the rich to the poor, the regime was doomed to fall. The supporters of the coup—landlords, businessmen, and the US administration—all belonged to powerful groups that would lose political and economic power if the Unidad Popular's agenda were completed. The sentiment of the coup's supporters was well captured by President Nixon's Secretary of State, Henry Kissinger, when he stated before the coup that: "I don't see why we need to stand by and watch a country go Communist due to irresponsibility of its own people" (Nixon 1978, in Davis 1985, 490).

Liberal Democracy with a Market Economy: The cases of Costa Rica and Chile

After independence in the early nineteenth century, *Costa Rica* began to modernize politically in the 1920s with free and fair elections. Owing to the economic depression in 1929, the process of democratization was interrupted, and a rule of oligarchy "caudillismo" emerged. This development, in turn, led to a political crisis in 1948, when a faction of alleged Communists and the exiting president and his supporters tried to prevent the president-elect, Otilio Ulate, from taking office. After a short and bloody civil war—in which José Figueres's radical, social democratic National Liberation Front and supporters

of Ulate launched a successful attack against the Communist faction and the former conservative leaders—the new ruling junta and a constitutional assembly pushed toward rapid democratic transformation of the political system. After the civil war, the oligarchy and the middle class, as well as the left and the working class, resolved to create a republic with a democratic political system. Unlike the neighboring countries in Central America, Costa Rica was able to create a liberal democracy combined with a social democratic model (Dunkerley 1988; Lehoucq 1998; Booth 1999; Yashar 1997).

As a result of these developments, Costa Rica was, unlike other countries in Latin America, able to offer political stability and social welfare to most of its population. During much of the period from 1948 to 2002, the social democratic party, the Partido Liberación Nacional (PLN), dominated political development in Costa Rica, and they experienced very few losses to the conservative party (although simultaneous PLN losses for both the presidency and Congress occurred, for example, in 1990 and again in 1998).

Peeler (1992, 100–2) argues that the PLN early on contributed to the exceptional consolidation of democracy in Costa Rica through the establishment of its agreement between the government and the middle class, the landowners, and the coffee and commercial bourgeoisie. The PLN's main ideological ground was state interventionism with a controlled market economy, combined with solving socioeconomic inequalities. This social democratic model gradually expanded the role of the state and control of the market through regulation of business, public enterprises, tariffs, and control of the currency (Yashar 1995, 83–8). Furthermore, Yashar (1997, 220–2) explains that social and economic development was more advanced than in other countries in Latin America—as evidenced through life expectancy statistics, infant mortality rates, college graduation rates, and other indicators. In the mid-1980s, Costa Rica, as well as other countries in Latin America, adopted the neo-liberal model when the PLN abandoned the social democratic ideology (Booth 1999; Wilson 1999; see also Carta Fundamental 1998: Nuestro Compromisos).

Over the years, numerous experts have ranked Costa Rica as the most democratic country in Latin America (see, for example, Freedom House Index). Costa Rica has the longest and deepest tradition of democratic development. The country has experienced stable democratic rule since 1948—without election frauds, corruption, military coups, or guerrilla warfare. In 1969, Robert Dahl (1971, 248) classified Costa Rica as a "Polyarchy" together with most of the countries in the Western world. All social groups have also accepted democracy as the only legitimate means of governance; or, as Linz and Stefan (1996) state, democracy has been "the only game in town" in Costa Rica.

In reality, however, it is the liberal democratic doctrine that has been consolidated in Costa Rica (see Peeler 1992, 103–5).

In conclusion, the development of liberal democracy with social democracy never challenged the existing domestic or international economic and political

order as much as radicalism and the implementation of participatory democracy with strong anti-capitalism policies might have done. The next case is Chile in the 1990s.

In the 1970s, under General Pinochet's military regime, a neo-liberal economic model was imposed on Chile, paving the way for foreign investments and trade, privatization of state firms, and liberalization of the labor market. The result, for the most part, was macro stability, price stability and growth, but also a higher rate of poverty and unemployment until 1985 (Stokes 2001; see also Ffrench-Davis 2002). Beyond the neo-liberal economic model, a military controlled democratic transition (1982–90) and crimes against human rights served as major contributions of Pinochet's military dictatorship.

Since Chile's return to democratic rule in 1990, a center-left-wing coalition has led the government, including the coalition of Concertación de Partidos por la Democracia; Partido Demócrata Cristiano (PDC, the Christian Democrats), Partido Radical Social Demócrata (PRSD, the Radicals), Partido por la Democracia (PPD, the Democratic Party) and Partido Socialista (PS, the Socialist Party). Two Christian Democrats and two Socialists were elected as president during this period: Patricio Aylwin (1990–94), Eduardo Frei (1994–2000), Ricardo Lagos (2000–6), and Michelle Bachelet (2006 to present). Against this center-left coalition, two major oppositional right parties have formed a right-wing alliance (Sigmund 2000).

During its rule, the center-left coalition tried to further develop democratic rule in Chile, address human rights issues, and improve social conditions in the country. At the same time, however, the coalition adhered to the legacy neoliberal economic model (Valenzuela and Constable 1991; McInerney 1992; Valenzuela 1999; Sigmund 2000). Why did the Concertación and the Socialist Party in Chile maintain the neo-liberal model as established by Pinochet? There are at least four explanations. First, according to Roberts (1998, 144–51), one of the early objectives of the center-left coalition was to have a cohesive and unified force against the military regime and its followers. And since the private sector as well as right-wing civilian government officials supported the model, the center-left government maintained its promise of not reverting to anti-capitalistic policies. In this sense, the neo-liberal model served as a platform upon which divergent political actors in Chile could consolidate and unite (McInerney 1992; Silva 1996; Stokes 2001; Tedesco and Barton 2004).

The second reason stems from the electoral system and the Chilean constitution. During the transition, the Concertacións accepted the constitution of 1980 with some minor amendments in 1989, mainly to facilitate further democratic development (Cavarozzi 1992, 233–4; Linz and Stepan 1996, 206–18; Roberts 1998, 144–62; Valenzuela 1999, 230–1). Though the center-left coalition won a majority of the 120 seats in the parliamentary elections of 1989, 1993, 1997, 2001, and 2005, they did not achieve a majority in the Senate until the election of 2001. This was due to the electoral system, which favors the runner-up: while the first mandate always goes to the winning

candidate, the subsequent mandate most often goes to the top opposition candidate. According to Scully (1995, 122–8) this system has favored right-wing parties. Furthermore, in accordance with the constitution of 1980, several seats in the Senate (nine out of approximately forty-eight) were occupied by former military rulers and ex-presidents, including Pinochet himself.

To maintain a majority in Congress, the center-left administrations were forced to negotiate with the two rightist parties: Union Democrata Independiente (UDI, Independent Democrat Union) and Renovación Nacional (NR, National Renewal) in the 1990s to achieve and moderate any changes in the neo-liberal model. Garretón Merino (2000, 67) argues that the right not only accepted military intervention in politics during the 1990s, they also maintained contacts and frequently consulted the military on political issues. Thus, the democratic transition itself was accompanied by constraints on economic polities which have tended to favor the rightist forces in Chilean politics (Linz and Stepan 1996; Siavelis 1997; Tedesco and Barton 2004).

A third explanation for the center-left's adherence to the neo-liberal model stems from the fact that parts of the model are tied to the "Constitution of Pinochet 1980, 1989," including some monetary and fiscal policies and the installment of an independent central bank (Tedesco and Barton 2004, 146–7). Augmenting these policies necessitates a constitutional change through a two-thirds majority in Congress. This, in combination with the right's power in parliament, makes it almost impossible for Concertación to achieve a majority to enact changes (see also Linz and Stepan 1996, 206–18).

A final explanation has to do with the Socialist Party itself. According to Roberts (1998), the Socialist Party has established a framework of liberal democracy. No radical measures for developing society in new directions—for example, emphasizing more participatory democracy or making stronger commitments to improve socioeconomic conditions—have really been on its internal agenda. Even in Ricardo Lagos's socialist presidential campaign, it was made clear that the neo-liberal model was to be deepened under his reign (Tedesco and Barton 2004). For the most part, then, the Socialist Party left revolutionary Socialism and accepted modern social democracy, which adhered to liberal democracy and accepted the neo-liberal market economy (Roberts 1998; see also Motta 2002, 2003).

Drawing Parallels: The Old and the New Left in Latin America

In many countries across today's Latin America, the presidency is occupied by the left. In Argentina, Brazil, Chile, Costa Rica, and Uruguay, where reformist and social democratic presidents have ruled since the early years of the twenty-first century, one finds modest social and economic reforms—policies that comply with these countries' dominant political, economic, and social orders. However, in other Latin American countries, including today's Venezuela,

Bolivia, Ecuador, and Nicaragua, the presidents are more radical and have challenged or might challenge the political, social, and economic order of the day. By examining these two differing political paradigms in relation to the historical cases discussed earlier in the chapter, we shed light on the implications of the new left for the deepening of democracy.

The most controversial recent case of the radical left is Venezuela, where Hugo Chávez, immediately after his election on a populist left platform, abolished Congress and called elections to a constitutional assembly. Chávez's "Bolivarian Revolution" also includes wealth redistribution, housing and education measures to benefit the poor, and the development of grassroots democracy in the countryside and in the poor barrios of the cities. At once Chávez's radicalization began to challenge the domestic economic elite, the Washington Consensus, and neo-liberal economic policy (McCoy 2005; Kornblith and Jawahar 2005; see also Levine 2002). Since the revolution began, Chávez has survived a military coup, won referendums on staying in office and on a new constitution, and, in 2006, succeeded in another presidential election. The failure to win approval for additional constitutional changes in December, 2007, may have weakened Chávez's authority, but he continues to enjoy support from many poor sectors of Venezuelan society.

In addition, as a critic of some of Chávez's undemocratic moves in Venezuela, Corrales (2001, 45) points specifically to Chávez's measures to strengthening the power of the presidency and weakening the power of Congress and the judicial system. These measures—in combination with active state intervention, and with strong social and economic reforms to reduce poverty—have challenged the basic rule of the Venezuelan political system rooted in the "Pacto de Punto Fijo" of 1958 (see also McCoy 1999, 2005; Kornblith and Jawahar 2005; Levine 2002). However, rather than a process to establish radical and participatory democracy, recent development in Venezuela has to some extent pointed toward a one-man dictatorship and a reduction of political rights.

In turning to Bolivia, Ecuador, and Nicaragua one finds additional cases where the radical presidents have challenged the political, social, and economic order of the day. In late 2005, the indigenous Evo Morales won the presidency with a clear mandate in Bolivia, backed by the Movimiento Al Socialismo (MAS, the Movement for Socialism) Party. During its first years under the new radical presidency, Bolivia boasted mostly positive macroeconomic indicators, despite the fact that Morales had initiated radical reforms. The most concrete of these reform initiatives was the nationalization of the country's natural gas supply, mostly from international companies, which was expected to bring billions of dollars to the state, and which will likely be expanded to cover other natural resources in the future. Furthermore, in late 2006, the Bolivian Congress voted to instigate a controversial land reform, which will redistribute land to mostly poor and indigenous people in the countryside. Other social reforms under Morales include a campaign against illiteracy and an initiative to provide medical

care to the countryside with the help of Cuban doctors. Morales aims to continue his radical reforms with a constitutional assembly and with a mandate to rewrite the constitution. In December, 2007, an elected constitutional assembly, representing the major parties, voted with a minor majority for major changes to the constitution; establishing Bolivia as a multiethnic country, with its new capital in Sucre, and enforcing social reforms financed by the national mineral resources. During 2008, the constitution and its radical measurements will be (or not) established in a national referendum, and it will probably further increase the conflict in society. On one side we have the radical left supported by the peasants, coca peasants, mine workers and indigenous people, and on the other side we have the rich upper class. In Ecuador, similar radical measures have been taken by the left government, and in late 2007 a constitutional assembly started its reform work, and very likely we will have the same kind of development as in Bolivia.

A final case of more recent tendencies of radical reforms is Nicaragua, where the former revolutionary leader and Sandinista Daniel Ortega was installed as President in January, 2007. During his first months in office, several reforms were at once put forth. The least controversial of these have been his social reforms including free schooling for children, free medical care, and a 50 per cent reduction in all public servants' salaries. Other, more contentious reforms include Ortega's decision to increase citizens' participation in government through the creation of new state authorities and committees—some of which are controlled by his wife; and his move to strengthen the president's control over the police and the military. Ortega's move to centralize power into the hands of the presidency immediately inspired criticism from his right-wing opponents who have drawn analogies with Nicaragua's revolutionary regime of the 1980s. In November 2007, through a presidential decree, President Ortega installed one of his controversial ideas, Consejos Ciudadanos, a parallel power structure to the political institutions. In late 2007, the administration of Ortega was accused by the media and several human rights groups of "institutionalizing a dictatorship," corruption, and for violating freedom of speech, assembly, and for not respecting the constitution and human rights.

Thus, a radical political, economic and social agenda might well be emerging in Latin America, and it is challenging elite actors such as landlords, military forces, businessmen, and the US government. The effects of this radicalization are still, of course, undetermined. But by returning to the historical cases of Chile and Guatemala, and drawing parallels, we can begin to surmise its implications for democracy.

In both Chile (1970–73) and Guatemala (1944–54), the radical left seized power through the ballot box and tried to develop a democratic and economic system that differed substantially from the previously ruling government. In the late 1960s, Chile boasted a relatively stable liberal democracy with a market economy—supported by all political parties, the economic elite, the military, and

the United States. But democracy soon came to a halt when the presidency of Allende tried to enforce popular participation in the political, economic, and social spheres, initiated anti-capitalist economic policies, increased state intervention, and implemented radical social and economic reforms. Similarly, in Guatemala—after General Ubico was forced to resign by the revolution of 1944—a democratically elected president and a new Congress took office mainly supported by voters and parties of the left, as well as the radical elements within the military. As in the case of Chile, when Guatemala's new government began to change the political system and install radical social and economic reforms, such as nationalizing land and enforcing other measures that threatened the economic power of the landlords and US interests, the democratic experiment came to a halt.

In turning to other Latin American countries, however, one finds that a different progression has taken place. For example, in today's Argentina, Uruguay, and Costa Rica, the ruling social democratic governments have not challenged major actors, including the economic elite, the military, or US and other international economic forces. In practice, Brazil under Lula's presidency also belongs to this route. This stance can be paralleled with Costa Rica's democratic trajectory that began in the late 1950s, as well as Chile's in the 1990s.

Costa Rica's democratic transitions were made through pacts between the major societal actors, including the conservative parties, landlords, and military, and the reformist left. From this, a democratic system beyond mere elections was established—namely, liberal democracy with socioeconomic reforms and a market economy. And although the Social Democrats were the main actors behind further democratization in Costa Rica, all elite groups, at least until the mid-1980s, stood behind the idea of liberal democracy in a market economy with some social reforms. In this sense, liberal democracy was consolidated. Chile likewise is about to consolidate its democracy through compliance with the dominant social, economic, and political order of the day and hence with the interests of major Chilean actors. However, instead of influencing the democratic transition as an equal partner, the left accepted the elite democracy and neo-liberal economic system, which may constrain the possibility of future socioeconomic reforms.

Conclusions

The new tendencies of the left in Latin America can be said to have followed two distinct paths. One is the reformist, social democratic left, which supports the development of liberal democracy and neo-liberal economy and therefore complies with the political, social, and economic order of the day. In contrast, the radical left would like to develop a participatory democracy with socio-economic reforms that may potentially challenge societies' major actors. As with similar cases before them, the development of democracy in today's Latin

America is inevitably influenced by these paths and is simultaneously constrained and deepened by them.

Democracy is deepened, at least theoretically, in both of these routes. It is deepened in a liberal democracy, because it means more civil and political rights for the people and a better functioning democracy, in relation to just, free, and fair elections as in an elite democratic system in which the competion to win elections is the main thing. It is deepened in a participatory democracy, because it means more possibilities for people to actively participate in political decision-making at a local grass-roots level and on issues related to daily life and socioeconomic issues. But it is also constrained because radical left reforms are challenging the elite actors—radical left governments may eventually bring about a downfall of democracy. Furthermore, it is constrained through the reformist, social democratic platform, because social reforms that the people may want are not instilled since they do not comply with the elite's interests (as in the case of Chile in the 1990s). In this case, it means to maintain elite democracy and neo-liberal policies democracy without challenging the interest of the elite.

Finally, changes in democratic models within transitioning countries may require support from the dominant elites. Radical political and economic changes that took place in Chile and Guatemala were challenged by the same actors as in today's Venezuela, Bolivia, Ecuador, and Nicaragua—namely, economic elites, the military, external (mainly US) forces, and the parliamentary right. In Chile and Guatemala, these actors were against the transformation of the political and economic systems and eventually supported the military interventions that forced the democratic governments to resign. In Chile, liberal democracy was well in place, but Allende's government tried to establish and develop radical participatory democracy. In Guatemala, the elite groups accepted the democratic rule in 1944 until it began to upset their interests. Similarly, in Chávez's Venezuela, the transformation of liberal democracy toward participatory democracy, or what rather may be developing into a one-man dictatorship in the late 2000s, has created a deep political crisis in the country. With the historical record in countries such as Chile and Guatemala, the main question may not be if radical cases such as Venezuela, Bolivia, Ecuador, and Nicaragua will meet the same destiny; rather, it could just be a matter of time when it will happen to at least one of these cases.

Notes

1 "Elite democracy" in this sense means electoral democracy, with its focus on free and fair competition in elections under a minimum level of freedom of speech and assembly, and without any illegal actions during the forthcoming mandate elected (see Schumpeter 1947; Elklit and Svensson 1997).

2 See, for example, *Journal of Democracy*, 17, 4 (October, 2006), and several articles on the topic— A "Left Turn" in Latin America?

3 Participatory democracy (see, e.g., Pateman 1970; Barber 1984; Lievesley 1999) in this sense includes ideas such as that the process of decision-making is more

important than the content of the decision; all social relations in society should democratize under equal conditions; people's participation in all national and local political decision-making and in other spheres such as workplaces, educational institutions and housing; democracy needs to be spread to the economic, social, and cultural spheres in society; and finally, participatory democracy is based upon the rule of collective decision-making.

4 Polyarchy is the most well-respected and applied concept of an advanced type of liberal democracy (Dahl 1971). It includes aspects such as free and fair elctions; control over governmental decisions; the right to freedom of expression and to join associations, access to alternative sources of information; effective participation; voting equality; enlightened understanding; control of the agenda, and inclusions of adults.

5 In *Utopia Unarmed: The Latin American Left after the Cold War* Jorge G. Castañeda (1993) defines a proposal for the future left in Latin America. In his view, a combination of multiple local processes with non-governmental organizations and social movements, mobilizing the left in dismantling the patrimonial society, can provide a new foundation. Castañeda also argues that the left has to reconsider its position toward the old revolutionary strategy, the United States, the nation state, and further provide a strategic perspective for democratization of democracy.

6 Several leftist organizations became sources of ideological inspiration for the three administrations. In parliament, the Arbenz administration (1944–45, 1951–54) relied on support from the massive majority parties FPL (Frente Popular Libertador), RN (Renovación Nacional), and the PAR (Partido Acción Revolucionarira). Before President Arévalo (1945–51) was elected, a fourth major party, the PIN (Partido de Integridad Nacional), was founded to support his candidacy. At the beginning of the democratic period, Communist parties were outlawed, and instead the Communists organized themselves into unions and other organizations.

7 In these presidential elections and in the parliamentary elections in Guatemala (1944–54), all adults had the right to vote, but illiterate men had to vote in public, and all illiterate women were denied the right to vote. As a consequence, all women and men did not have equal electoral rights. A parallel is Switzerland, where women did not receive the equal right to vote until 1974; but still the country, according to Dahl (1971, 248), was considered as a Polyarchy.

8 In the presidential election, Allende received 36.2 per cent of the total votes, followed by the right's Jorge Allesandri with 34.9 per cent, and the Christian Democratic candidate with 27.8 per cent (Collier and Sater 1996). Since none of the candidates had more than one-half of the total votes, the Chilean constitution delegated the issue to Congress, which then became responsible to elect one of the two top candidates as the new president. In accordance with tradition, Congress was to elect the winning candidate of the first round, but, since Allende openly declared himself as a Marxist, the right, supported by the United States, preferred the candidate of the right, Allesandri. After a new election to Congress, in October, 1970, Salvador Allende was elected as the first-ever Marxist president in Chile, in Latin America, and in the entire world.

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17 Democracy and Economic Growth in Latin America

Isaac Cohen

> Political and economic progress are not tied together in any easy, straightforward, functional way.
>
> Hirschman 1995, 229

> We should not assume any automatic or over-direct, correspondence between the dynamic of economic growth and the dynamic of social or cultural life.
>
> Thompson 1966, 101

> Democracy is about setting in motion forces which can neither be controlled nor foreseen.
>
> Thompson 1966, 192

Introduction

At the turn of the twenty-first century, the economies of Latin America are experiencing another major boom, mainly caused by favorable external commercial and financial circumstances, accompanied by prudent macroeconomic policies. The average rate of growth of 5 per cent over the last five years, for the region as a whole, is the highest of the last twenty-five years. Such rates of growth are comparable only to those experienced during the three decades of the vilified period of what is now called "state-led," or "accelerated" industrialization (Cardenas et al. 2000, 3). At the beginning of 2008, there is concern that the present economic boom in Latin America will again come to a halt, as a result of another external shock, which is emanating from the downturn in the economy of the United States. Such an outcome would be consistent with the economic history of Latin America. Exceptional will be if the Latin American economies are able to withstand the imminent external shock that is emerging in their short-term outlook.

However, more pertinent to the objective of this volume is to inquire what has been the consequence for democracy in Latin America of the succession of economic booms and busts, which has characterized economic growth in the region, since the 1980s. The coincidence of these high levels of economic volatility with the turn toward democracy in Latin America deserves to be studied more systematically.[1] Here, to explore the relationship between

economic growth and democracy in contemporary Latin America, a comparison will be made between the economic growth and democratic performances of eighteen Latin American countries and in the region as a whole. The purpose of making this comparison is to explore if it can be concluded that the recent turn toward democracy in Latin America has been preceded, accompanied, followed, or not by economic growth. The first step consists in observing if there is any coincidence in time among growth and democracy, or better still if one precedes the other one. Additionally, there is a third possibility, which is the conclusion arrived at here, that there is no consistent coincidence or precedence in time between economic growth and democracy in contemporary Latin America.

Two Concepts

Before proceeding, it is necessary to clarify some of the basic concepts utilized throughout this chapter. Two are deemed essential: democracy and economic growth.

Democracy

Most of the governments of the Western hemisphere, members of the Organization of American States (OAS), accept the definition of democracy, contained in the Interamerican Democratic Charter, based on the General Assembly Santiago Commitment of 1991 and approved in Lima, on September 11, 2001 (OAS 2001). The definition of democracy contained in the OAS Democratic Charter is comprehensive and belongs to the kind that Tilly (2007), in his masterful synthesis, characterizes as "procedural," because a set of governmental practices is enumerated to judge if a regime is democratic. The main elements included in the OAS definition are: respect for human rights and the rule of law; periodic, free, and fair elections and a pluralistic system of political parties; separation of powers and subordination of all state institutions to civilian authorities; and transparency.

However, such a procedural definition, to become operational, has to be transformed into an index that can reveal if a country is evolving in a more or less democratic direction. This is precisely the purpose of the Freedom House Index (FHI) (Freedom House 2007). Based also on a procedural definition, the FHI is based on a set of political rights and civil liberties, grouped in subcategories which include almost all the elements of the OAS Charter definition of democracy, as follows: free and legitimate elections; freedom of expression, of belief, and of association; the rule of law; and social and economic freedoms. The index rates each country on a scale of 1 to 7, whereby between 1 and 2.5 is "Free," between 3 and 5 is "Partly Free" and between 5.5 and 7 is "Not Free."

Economic Growth

First, a brief clarification of why growth will be used here, instead of the more wide-ranging and perhaps more comprehensive concept of economic development. Precisely because of its comprehensiveness, economic development is more difficult to quantify. Additionally, there seems to be no consensus among economists on what development is and why and how it happens. This is not the place to describe the intense and fascinating debate which is going on among economists about the concept of development (Helpman 2004). However, the unsettled character of the concept complicates the availability of quantitative indicators to adequately measure its evolution. By contrast, figures on economic growth in Latin America are more easily available from several sources, mainly multilateral institutions, such as the World Bank (WB) and the International Monetary Fund (IMF), or from the United Nations (UN) system of national accounts. For instance, the UN Economic Commission for Latin America and the Caribbean (ECLAC), for the last six decades, has been releasing yearly figures on rates of economic growth, by country and regional. These figures are easily accessible in lengthy time series and they will be used here (ECLAC 2006).

A Nondemocratic History

The consolidation of the independent Latin American republics, which emerged in the nineteenth century as a result of the fragmentation of the Spanish empire, was not conducive to democracy. These young republics unsuccessfully attempted the reproduction of ideal democratic models, reflected in their formal constitutions. Reality, however, was more complicated and remained very distant from constitutional ideals. In Latin America, the march toward the enforcement of universal suffrage, the emergence of political opposition parties and free elections is far from linear. The Great Depression of the 1930s generated in most Latin American countries a turn to traditional authoritarianism, in the form of what may be called an almost generalized emergence of Depression Dictators, who consolidated their rule throughout the Depression and the World War. At the beginning of the Cold War, in Latin America there were no immaculate democracies or dark dictatorships. According to a US State Department analyst (Halle 1950), all Latin American governments were "shades of gray." Besides a lack of maturity, understood as an acquired capacity for responsible behavior, the main obstacles to attain maturity and consequently democracy were identified as poverty, illiteracy, social insecurity, intemperance, intransigence, ostentation, and the cult of the man on horseback.

At the dawn of the Cold War, the hope of democracy in Latin America, according to the State Department analyst, confronted formidable obstacles. However, even with these deficiencies and shortcomings, precisely at this point, democracy becomes one among many instruments deployed during the ideological confrontation generated by the Cold War. First, democracy and prosperity were attributed an instrumental character, which consisted in perceiving them as antidotes against Communism. President John F. Kennedy

(1963, 511) referred to this instrumental character, during a meeting with the Presidents of Central America, in San José, Costa Rica, in March, 1963, as to "go forward with the great work of constructing, dynamic, progressive societies immune to the false promises of Communism." The other antidote against Communism was economic development, seen as a prerequisite for the attainment of democracy. In effect, economic development was considered an essential requirement for the construction of democracy. This economic determinism was not very different from the same role attributed by Marxism to objective economic conditions, as determinants of political regimes. The opinion that economic well-being was a requirement for democracy was proposed by Seymour M. Lipset, the most influential US political sociologist, after Talcott Parsons, of the second half of the past century. According to Lipset (1963, 31), "perhaps the most common generalization linking political systems to other aspects of society has been that democracy is related to the state of economic development. The more well-to-do a nation, the greater the chances that it will sustain democracy." This deterministic reasoning served as the basis of United States foreign aid programs designed to confront Communism, such as the Alliance for Progress. Furthermore, that economic development was essential for democracy was seen as emanating from a basic optimism, which inspired the economic aid programs, whereby "all good things go together" (Packenham 1973, 20).

The relationship between economic development and democracy is an empirical question. Plentiful contrary evidence was available, during the Cold War, supporting the absence of such a relationship in Latin America. Even so, one of the legacies of the Cold War has been the persistence, to this day, of the deterministic conviction that economic development is an essential requirement, among others, of democracy. The decades of the Cold War witnessed one of the most intense periods of economic growth in Latin America, without democracy progressing accordingly. On the contrary, during the Cold War, democracy and economic development were both subsumed under the overwhelming security concern of confronting and defeating Communism. Therefore, several authoritarian regimes were tolerated for the sake of adding them to the coalition organized, particularly after the Cuban Revolution of 1959, to counter Communist expansion in the Western hemisphere. No contradiction was recognized despite the fact that this anti-Communist coalition included some very anti-democratic regimes, tolerated as a consequence of the primacy of security, as required by the struggle to defeat Communism. However, before the end of the Cold War, Latin American economic growth and democracy evolved in a surprising direction, again, defying any deterministic wisdom. During the 1970s, the effects of the increases in the price of oil, of 1973 and 1979, challenged most accepted economic policies and practices. The economic policies applied to deal with high oil prices, with rising interest rates and increased indebtedness, led to levels of hyperinflation never seen in contemporary Latin America. As a consequence, negative rates of economic growth persisted throughout most of the 1980s.

Nonetheless, it was in the context of the economic downturn of the 1980s, the most profound since the Great Depression, that the countries of Latin America turned toward democracy and elected civilian regimes, becoming part of what later was known as the third wave of world democratization (Huntington 1991). This unanticipated outcome of the relationship between negative economic growth and democratization goes against most accepted wisdom and previous precedents. For instance, by contrast with the Great Depression of the 1930s, when almost all Latin American governments became dictatorships, the depression of the 1980s resulted in the democratization of almost all the Latin American countries. Therefore, as a consequence of a combination of several factors, the Western hemisphere becomes part of the so-called "third wave of democratization." Furthermore, this time, the turn toward democracy has legs, because it includes almost all the countries of Latin America and has lasted more than any other attempt at democratization in the region's history. Hindsight is what permits us now to draw the startling conclusion that this unintended outcome of the profound economic downturn, of the 1980s, has resulted in the lengthiest and most comprehensive turn toward democracy ever seen in the history of Latin America.

That startling conclusion certainly demands explanation. The accepted explanation of the "third wave of democratization" is by Huntington (1991, 45), who presented a multivariate analysis of five causes which brought about the third wave transitions to democracy, including legitimacy problems of authoritarian systems; unprecedented global economic growth in the 1960s; the doctrines and activities of the Catholic church; changes in the policies of external actors, mainly the European Community and the United States; and snowballing or demonstration effects. Huntington warns that no single factor is sufficient or necessary, because the development of democracy is the result of a combination of causes that is different in each country. However, among the factors that explain the "third wave," Huntington (1991, 59) claims that there is an overall and also a positive correlation between economic development and democratization. Notice the use of the broader and more complex notion of economic development, which "provided the basis for democratization," while "crises produced by either rapid growth or economic recession weakened authoritarianism." Therefore, in the case of the third wave, according to Huntington, while positive or negative economic growth generated the crises that contributed to weaken authoritarian regimes, cumulative economic development contributed to democratization. However, the passing of more than twenty years after the transition to democracy in Latin America permits us to observe closely the evidence and to find out how economic growth is related to the turn toward democracy in the region.

The Evidence

To observe if there is a relationship between economic growth and the recent wave of democratization in Latin America, a very simple set of evidence is

presented in the statistical appendix. It consists of nineteen tables, one for each Latin American country and a regional table, where the evolution of the yearly rates of economic growth is plotted next to the Freedom Index, which started in 1972, until 2005.

Regional Average

The first point that can be drawn out from the evidence presented for Latin America as a whole is the coincidence in time between the slump of the 1980s and the sustained increase in the Freedom Index, used here as an indicator of democratization. This means that the assertion that economic growth is necessary for democratization needs to be corrected to include negative economic growth as a factor which, at times, may also contribute to or accompany democratization. However, perhaps more relevant may be that this coincidence between negative growth and democratization has not always happened in the history of Latin America—because, as previously mentioned, the Great Depression of the 1930s coincided with the opposite political outcome, when many Latin American governments turned into dictatorships. Therefore, at the regional level the evidence shows that negative economic growth may coincide sometimes with democracy, while the historical precedent of the Great Depression indicates that negative growth may also coincide with dictatorship. Even so, the evidence also supports Huntington's (1991, 68) assertion that preceding high rates of economic growth "in some countries also generated dissatisfaction with the existing authoritarian government." However, experienced observers of Latin American economies and polities know that regional averages disguise many differences between individual countries. For this reason, it is necessary to look at the same evidence for each of the nineteen countries, to illustrate how diverse and unsystematic are the national experiences of economic growth and democratization in Latin America.

Stable Democracy

As mentioned, in 1950, Costa Rica was not considered a functioning democracy by observers from the US State Department. However, after the 1948 episode of alteration of the political order, which some call a revolution, Costa Rican democracy initiates an orderly succession of elected civilian governments, with alternation between political parties and political freedoms. This remarkable evolution has made Costa Rica the most stable democracy in contemporary Latin America, consistently scoring the highest ratings since the beginning of the Freedom Index in 1972. Throughout this exceptional political performance, economic growth was sustained between 1960 and 1977, when it starts declining and culminates in the profound recession which starts in 1980. The evidence in the case of Costa Rica is the closest which can be found, among the cases examined, of a mutually supportive relationship between economic growth and a functioning democracy, when the focus is placed on the period of stable

and vigorous growth of the 1960s and early 1970s. However, the steep fall into negative growth, which lasted almost five years in the late 1970s and early 1980s, did not affect Costa Rican democratic performance. Finally, more recently, Costa Rican democracy has also proved to be resilient, amid the relatively volatile growth which has characterized the economy since the depression of the 1980s.

Stable One-party System

In the case of Mexico, the seventy-year-long one-party system coincides, after the end of the Second World War, with a period known as that of "stabilizing growth" (*desarrollo estabilizador*). However, the economy later also goes through deep recessions, such as the debt crisis of 1982, the consequences of the earthquake of 1985, and the deep slump of 1994 and 1995, without these recessions affecting the grip of the one-party system. It is only with the inauguration of President Fox, in 2000, that the Freedom Index starts climbing consistently, but it is also indifferent to the recession of 2001. Therefore, for Mexico the evidence is mixed. If only the stable development period is observed, it can be concluded that economic growth was necessary for the stability of one-party rule. Or, the evidence also supports the assertion that the high and stable rates of economic growth, which preceded the recessions, contributed to loosening the grip of the one-party system. However, if the three deep slumps which followed, between 1982 and 1995, are included, the conclusion that growth was necessary for political stability is denied, because one-party rule survived very well the three recessions. Perhaps it could be argued that it was the economic instability and negative growth, of the 1980s and mid-1980s, which contributed to undermining the grip of the one-party regime. However, such a conjecture should wait for more detailed studies on the startling Mexican transition to multi-party rule, which began with the election of the opposition candidate in 2000 and which pushes upward the Freedom Index.

Vigorous Growth Without Democratization

Brazil demands special attention, if only because it represents more than one-third of the regional product. After the Second World War, until 1980, the Brazilian economy achieves spectacular rates of growth, comparable to East Asian rates. This extended period of economic growth, however, is characterized by a succession of civilian and military regimes, until the military seize power in 1964 and stay until 1985. In the early 1950s, the military intervened to overthrow Getulio Vargas, the Depression Dictator elected again in 1951 and overthrown in 1954. This time, military rule is short-lived, since elections are organized two years later and two civilians are elected successively, until 1964, when military rule lasts for two decades. Therefore, spectacular rates of growth are not conducive to democracy. Afterwards, being a net importer of oil, the Brazilian economy was severely affected by the oil price increases of the 1970s. Even so, the profound recession which follows, in the 1980s, affects negatively

the survival of military rule, which ends in 1985 with the election of the first civilian in twenty years. The Freedom Index starts in 1972 at the top of the "Not Free" category but, in the second half of the 1970s, begins to climb consistently, until it reaches the free category with the first two elections of civilians, starting in 1981. Precisely at this point, economic growth starts declining until 1990, when the economy falls again into deep recession and hyperinflation. It is remarkable that civilian rule survives this turbulent period, characterized by the impeachment of an elected president, in 1992, negative growth, and rates of inflation of 3000 per cent a year. Even more amazing is how hyperinflation contributed to the consolidation of democracy, when Brazilians, in 1994 and in the first round, elected the Minister of Finance responsible for slaying hyperinflation (Cardoso 2006, 179–201). From then on, growth returns, but not to the levels attained between 1950 and 1980, while the Freedom Index starts to climb consistently again into the "Free" category.

Volatility

The case of Argentina is perhaps one of the most puzzling of those examined here. After all, this is the Latin American country where the first steps toward democratization were given at the turn of the last century. High levels of urbanization and the expansion of the middle class, sustained by commodity export prosperity, led to the emergence of political organizations and increased political participation. Additionally, the election of Raúl Alfonsín, in 1983, set off the "third wave" of democratization in Latin America (Huntington 1991, 102). However, in Argentina the political system, after the Second World War, exhibits high volatility, with populism and military rule alternating at different periods. Economic growth is just as volatile, with the exception of a decade, from the mid-1960s to the early 1970s, between the Ongania coup and the Campora-Perón election. However, starting in the late 1970s, economic growth is characterized by successive booms and busts, which become the dominant trait of Argentina's contemporary economic performance. Even so, in this case, economic volatility does not seem to affect the sustained progress of democratic freedoms, which starts with the return of Argentina to civilian rule with the Alfonsín election.

Democratic Tradition with Interruptions

Chile has a long democratic tradition, interrupted by dictatorships in the late 1920s and 1930s and in the early 1970s. A successful commodity exporter, copper has influenced decisively the performance of the Chilean economy, which presently is the largest producer of copper, contributing one-third of world production. Since the early 1950s, a succession of elected civilian regimes coincides with an initially erratic rate of economic growth, volatile in the 1950s and vigorous throughout the 1960s. The rate of growth starts to decline in the early 1970s and falls into a deep slump, which coincides with the Pinochet-led

military intervention of 1973. The military remain in power until 1989. During this period, the economy exhibits mixed economic performance, with two profound slumps in 1975 and 1982 and vigorous economic growth between 1977 and 1981 and between 1984 and 1989. At this point, coinciding with the first of a succession of elected civilians, vigorous economic growth returns until today, interrupted only by a shallow recession in 1999. The evidence is mixed in the case of Chile, however: it supports the assertion that economic growth is more consistent during the periods of elected civilian regimes and accompanies an increase in the Freedom Index into the "Free" category.

Panama's open and services-oriented economy exhibited sustained economic growth and civilian rule from the early 1950s until 1968, when the military seized power and remained until the intervention by the United States in 1989, to overthrow the military regime. From 1950 until 1980, economic growth is sustained and climbs to spectacular rates at the end of the 1970s, when the economy starts to decline into a profound slump which lasts until the US invasion. The Freedom Index also falls into the "Not Free" category, until the inauguration in 1999 of a succession of elected civilians, when it starts to climb consistently into the "Free" category and stays there. Economic growth, since 1990, exhibits booms and busts, until 2001 when another boom starts.

In the case of Peru, the lengthy period of economic growth, which starts in the early 1950s, interrupted only by one recession at the end of the 1950s, closes with twelve years of military rule, from 1968 until 1980. However, when civilian rule returns, in the 1980s, the economy experiences two profound recessions, which do not interrupt the improvement in the Freedom Index. In 1990, the election of Fujimori coincides with a fall in the Freedom Index into the "Not Free" category, mainly due to the armed confrontation with leftist guerrillas. With the election of Alejandro Toledo in 2001, after a period of instability caused by the ouster of Fujimori, the Freedom Index starts climbing again and coincides with the return of economic growth. Presently, the Peruvian economy is growing vigorously again, while the Freedom Index remains in the lower range of the "Free" level, without experiencing an equivalent progression. Therefore, the evidence in the case of Peru is quite mixed, without exhibiting a definitive coincidence between economic growth and democratization. Once again, what stands out is the fact that the return of democratically elected civilians, in 1980, coincides with the worst depression experienced by the Peruvian economy since the 1930s. Only later, in 1992, vigorous rates of growth coincide with a progression in the Freedom Index.

Among the relatively smaller economies of the hemisphere, Uruguay has one of the longest traditions of democratic rule. From 1950 until 1973, economic growth is unstable, with periods of relatively high economic growth followed by periodic recessions. However, unstable growth does not interfere with a succession of democratically elected civilians, which was interrupted in 1973, when the military seize power and stay until 1985. Economic growth holds until the beginning of the 1980s, when the economy starts declining into the deepest slump since the Great Depression. Throughout the period of military

rule, the Freedom Index declines into the "Not Free" category. In 1985, economic growth returns and coincides with the election of the first of a succession of democratically elected civilians, with the Freedom Index climbing, consequently, into the "Free" category. Economic growth persists, until it starts declining again in 1998 and a profound depression sets in. However, this time, the Freedom Index moves into the top of the "Free" category, where it has stayed ever since.

Abundance

In Ecuador, the 1950s start with a succession of democratically elected civilians, amid economic booms and busts, during the first half of the decade. Economic growth stabilizes at a vigorous average of 5 per cent, between 1955 and 1972, but civilian rule is interrupted by a military coup in 1963. The military remain in power for the following three years, until the appointment in 1966 of a civilian, who oversees democratic elections in 1968. However, this time, civilian rule lasts only until 1972, when a military coup precedes the 1973 spike in oil prices, from which the Ecuadorean economy benefits handsomely, since oil exports had started in 1970. As a consequence of the oil boom, the rate of growth reaches levels without precedent, which coincide with another military coup and a fall in the Freedom Index to "Not Free." Military rule lasts until 1979, when a succession of civilians are elected democratically again, for almost two decades, while the Freedom Index moves decisively into the highest "Free" category. Civilian rule survives the depression of the 1980s and lasts until 1997, with the Freedom Index also remaining consistently at the "Free" level. Political instability starts in 1997, with the removal by Congress of the President. From there on, for almost a decade, no elected President is able to complete the mandate. The difference with the past is that, instead of the military intervening to remove the President and seizing power, the Congress overthrows the President and appoints a successor, who is mandated to call elections. For more than two decades, the Freedom index impressively has remained in the "Free" category, surviving a deep recession in 1999, caused by the fall in the price of oil. However, present political instability pushes down the Freedom index into the "Partially Free" category. To sum up, in the case of Ecuador there is a remarkable coincidence between lengthy periods of economic growth with a succession of democratically elected civilian regimes. Additionally, there are some relatively shorter interruptions of this impressive record, by the military seizing power, which also coincide with periods of vigorous growth. The second period of successive civilian regimes, inaugurated in 1979 during a time of vigorous economic growth, survives the depression of the 1980s and ends in the present period of instability, which starts in 1997, when the economy starts falling into the recession of 1999. In the middle of political instability, economic growth returns to vigorous levels, as a consequence of increases in the price of oil.

Another major economy in Latin America is Venezuela, also one of the main oil exporters; therefore, its economic performance depends decisively on the

international price of oil. After a decade of military rule, Venezuela initiates a succession of democratic elections of civilian regimes without interruption until 1998, with the election of Hugo Chávez, a former military officer. From 1950 until 1980, the Venezuelan economy exhibits sustained and spectacular rates of economic growth, which coincide with democratic elections and civilian rule. From 1972 until 1980, the Freedom Index remains within the middle range of the "Free" category. This is another example, together with Costa Rica, of a coincidence between democracy and economic growth. Even more so because, since 1980, the Venezuelan economy falls into recession. Also, by contrast with the previous three decades, the economy starts exhibiting a cycle of booms and busts, which also coincide with a decline in the Freedom Index into the "Partially Free" category. In this case, for three decades, there is a coincidence between intense economic growth and democratic progress, until a declining trend in the Freedom Index begins and economic growth becomes unstable and falls into a cycle of booms and busts.

Poverty

Bolivia is the poorest country in South America. After the revolution of the early 1950s, it exhibits rates of economic growth that are sustained and vigorous, although insufficient to overcome poverty and characterized by frequent interventions of the military in politics. Only hyperinflation and the deep recession of the early 1950s lead to the successive election of civilians and the return of economic growth, starting in the late 1980s. This turn toward democratically elected civilian regimes has culminated, after a period of turbulence, in the election of the first Indian president in the history of the country. However, insufficient economic growth has persisted during both military and democratic governments, while hyperinflation and recession, as with the rest of Latin America, coincided with the turn toward democracy.

In Haiti, the poorest country in the hemisphere, twenty years of dictatorship by the Duvaliers are accompanied by volatile and meager rates of economic growth. By contrast, the instability and turmoil which follow the dictators' demise have come with an even weaker growth performance, with the Freedom Index stuck, since it started in 1972, in the "Not Free" category. With very brief exceptions, Haiti illustrates how both the lack of democracy and negative economic growth can coincide and reinforce each other.

Legacy of Lengthy Dictatorships

The Dominican Republic has also experienced long periods of dictatorship, the last in place from 1930 until 1961. A civilian interlude followed, with two successive elections won by candidates from the opposition, in 1978 and 1982. Between 1986 and 1994, the same person is re-elected four times. However, starting in 1996, opposition candidates have been elected also in 2000 and 2004. The Freedom Index, since 1972, has moved from "Partially Free" into

"Free," every time the opposition has won elections. Meanwhile, the rate of economic growth exhibits pronounced volatility between the end of the dictatorship and the subsequent military intervention by the United States in 1965. Economic growth returns vigorously in 1968 and remains positive until the recession of the mid-1980s, to come back again strongly in 1986, until the recession of the early 1990s. Finally, when the opposition starts winning elections, the rate of growth regains strength for the next eight years and slips into recession again in 2002. Soon after the election of 2004, economic growth reaches very strong rates, with the Freedom Index remaining in the "Free" category.

From 1954, Paraguay was ruled by a lengthy dictatorship, which lasted until 1989, when it was overthrown by the military. Since 1972, the Freedom Index remains very close to the "Not Free" category, with strong economic growth prevailing throughout the years of dictatorship. In 1989, periodic elections are won first by a military officer and then by civilians. The Freedom Index climbs into the "Partially Free" category, with the economy growing but at lesser rates than those which prevailed during the dictatorship.

Legacy of Armed Conflict

Another case of impressive economic performance, mainly because of its stability, is Colombia. However, despite the existence of an agreement among traditional political parties, which has generated a certain degree of predictability and alternation in power, the Freedom Index is stuck in the "Partially Free" category since it started. The explanation for this paradox, of stable economic performance and growth, with alternation in power between traditional political parties, without progress in democratic freedom, has to be found elsewhere. This is one consequence of the fact that Colombia has experienced the longest low-intensity armed confrontation in Latin America, which has hindered democratic progress.

In Central America, the other four countries have gone through very different experiences in stark contrast with the Costa Rican exception. All four countries—El Salvador, Guatemala, Honduras, and Nicaragua—were embroiled, during the 1980s, in what were some of the last armed confrontations of the Cold War. To make matters worse, these armed conflicts coincided, in the 1980s with severe economic downturns caused by oil price increases (Cohen 2000), with the Freedom Index falling to the bottom of the "Partially Free" category and at times even into the "Not Free" category. Therefore, after two decades, in all four Central American countries, not all the legacies of the Cold War armed confrontations have been fully overcome, affecting negatively democratic freedoms.

In El Salvador the sustained rate of economic growth, between the 1950s and 1980s, is accompanied by the successive election of military officers. The economic depression of the 1980s coincides with the years of armed confrontation, with the Freedom Index falling into "Not Free." With the election of civilians,

starting in 1990, the Freedom Index starts climbing, while the rate of economic growth remains meager.

In Guatemala, in the mid-1950s, after two successive free elections, the military intervene with the support of the United States and inaugurate a period of elections of mostly military officers, while the rate of economic growth remains positive, until the depression of the 1980s. Democratic elections of civilians return in 1986 and push the Freedom Index back into the middle range of the "Partially Free" category, where it remains until today, accompanied by meager rates of economic growth.

In the case of Honduras, the years of sustained economic growth which started in the mid-1950s began with democratically elected civilian regimes, until 1963, when the military intervene and remain in power until 1981.The Freedom Index climbs, as a consequence of the return of elected civilians, into the middle range of the "Partially Free" category, while the rate of economic growth declines and falls into recession. The inauguration of a democratically elected civilian regime, in 1981, starts a succession of civilian elected governments, with alternation between two traditional parties, which lasts until today. The Freedom Index remains unchanged, at the top of the "Partially Free" category, while the rate of economic growth exhibits a pattern of booms and busts.

During the 1950s, Nicaragua remains under the grip of a dictatorship which started during the Great Depression of the 1930s and perpetuates itself by dynastic succession until 1979. The armed conflict that overthrows the dictatorship plunges both the economy and the Freedom Index into even more negative territory. Both move upward only after the election, in 1990, of the opposition to the insurgents who seized power after the overthrow of the dictatorship. Civilians have been elected ever since, until 2006, when the leader of the insurrection was elected again to the presidency. Economic growth has been positive as well, but remains meager.

Conclusions

Several conclusions can be drawn from the previous description of the simple plotting in time of economic growth and the Freedom Index, for nineteen Latin American countries and the region as a whole.

First, on the answer to the question which motivated writing this chapter, it can be concluded that, at a certain level of generality, it is impossible to demonstrate that there is a consistent relationship between economic growth and democratization. Both are dynamic, multivariate processes, which makes it even more difficult to find the sense in which causation moves from one to the other. Even according to the simple notion of causation used here, as the precedence in time of one variable, the cause, over another, the effect, the evidence does not always reveal such precedence. What the simple plotting in time of both processes reveals is that sometimes economic growth precedes or accompanies democratization, but also that sometimes negative growth can precede or accompany democratization. Additionally, democratization

sometimes precedes or accompanies positive or negative economic growth. The evidence presented here confirms what Albert O. Hirschman (1995) said some time ago: political and economic progress are tied together in an "on and off connection," or a relationship that sometimes happens and sometimes does not happen.

Second, this does not mean that economic growth and democratization live separate existences and do not influence each other. What it means is that sweeping generalizations about their relationship should be avoided, because the only way the relationship can be demonstrated is through specific observations about specific periods of time, in specific locations. A good example of the kind of generalization which should be avoided can be found in those conjectures proposed by the economic determinism of the Cold War, whereby the achievement of economic growth would bring with it the benefits of democracy.

Third, this leads to the question of the relationship between poverty and democratization, or if democratization is a privilege of the well-to-do, a question which also demands closer attention. The best answer to this question can be found in India, the most populous democracy of the planet. India gives hope to those in any poor or backward society who are promoting democratization. Furthermore, as George Perkovich (2007) recently said, the odds against democracy in India are not only "staggering poverty," because there are also "conflicting religious passions, linguistic pluralism, regional separatism, caste injustice and natural resource scarcity." This is why Indian democracy generates hope.

Fourth, if the relationship between economic growth and democratization does not permit sweeping generalizations, policy-makers should beware of burdening democracy with additional objectives, because democracy has intrinsic value. Demanding that democracy solve other problems, for instance, leads to the claim that democracy can survive in Latin America only if inequality and poverty are overcome. But these are ancestral problems in Latin America and democracy can sometimes, but not always, contribute to overcoming them. Therefore, it is unfair to proclaim the danger that democracy will lose support among the population if it does not deliver economic growth, jobs, or better income distribution.

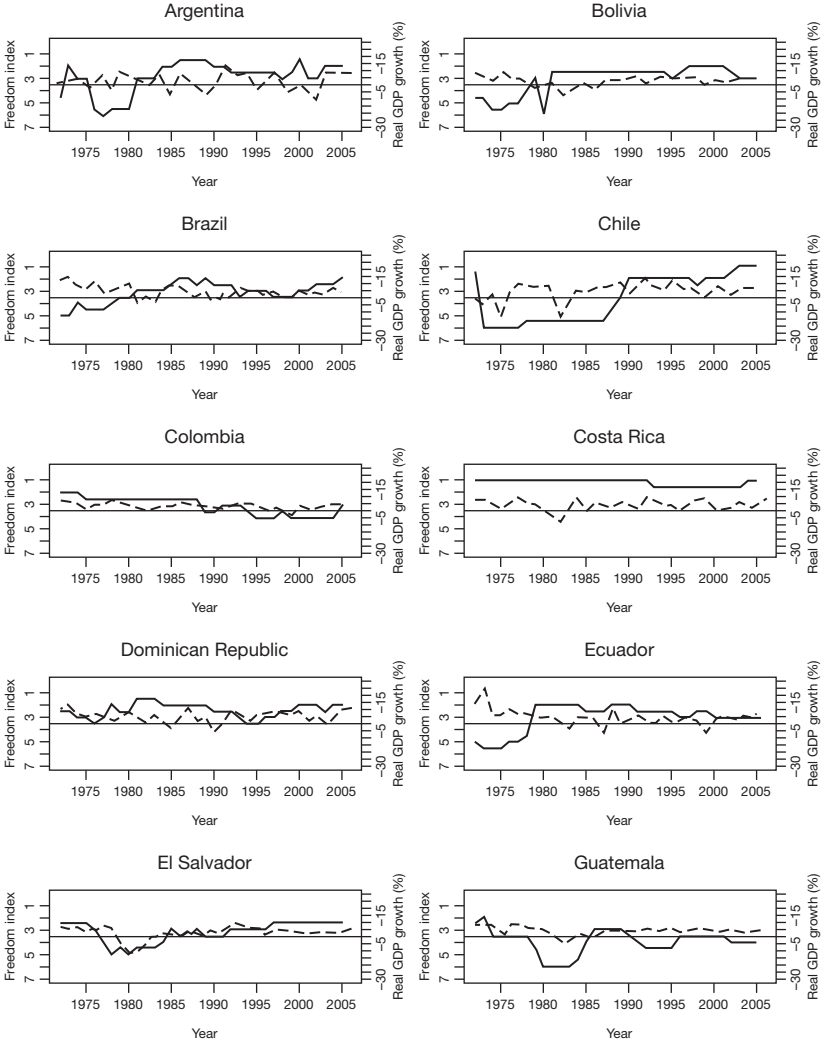
Samuel Huntington (1991, 10) put it better: "governments produced by elections may be inefficient, corrupt, shortsighted, irresponsible, dominated by special interests and incapable of adopting policies demanded by the public good. These qualities may make such governments undesirable but they do not make them undemocratic. Democracy is one public virtue, not the only one." On the disappointment caused because democracy does not solve enough problems, Huntington (1991, 263) adds:

> democracy does not mean that problems will be solved; it does mean that rulers can be removed; and the essence of democratic behavior is doing the latter because it is impossible to do the former. Disillusionment and the lowered expectations it produces are the foundation of democratic stability.

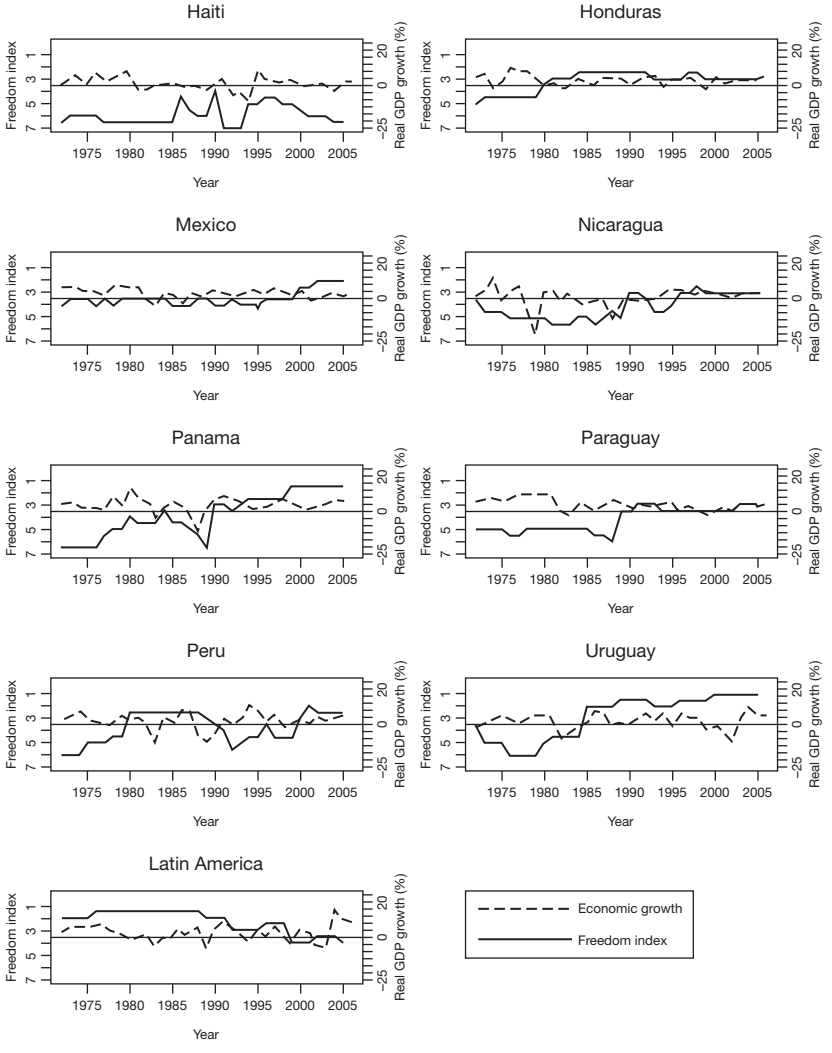
> Democracies become consolidated when people learn that democracy is a solution to the problem of tyranny, but not necessarily to anything else.

Finally, in a continent with a very undemocratic history, the uniqueness of the very recent turn toward democracy should be recognized, instead of being underestimated, or burdened by unrestrained ambitions. Never before, in the history of Latin America, have so many democratically elected regimes lasted for so long in so many countries.

Statisical Appendix



Appendix 17.1 Economic growth and Freedom Index 1972–2005



Appendix 17.1 Continued

Note

1 This chapter originated from a discussion on democracy in Latin America among the participants in the 55th Annual Conference of the Midwest Association of Latin American Studies (MALAS), held at Webster University in Saint Louis, in November, 2005. Professors J. Holmes, R. Millett, and O. Pérez, the editors of this volume, persuaded me that the relationship between democracy and economic growth in Latin America was worth reviewing, after almost twenty-five years of volatile economic growth and the turn toward democracy in almost all the countries of the region. Finally, I want to express my appreciation to the editors for

inviting me to participate in this volume, and to Martin Huici for research assistance, particularly in the preparation of the nineteen tables which appear in the Statistical Appendix.

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18 Is Latin America Condemned by Corruption?

Juan F. Facetti

> Some 2,500 years ago, the city of Athens sentenced Socrates to death for religious heresy and corrupting the youth. Socrates refused to escape from jail. The "Laws," he argued, would come and tell him that by escaping he would break his agreement with them and undermine the stability of the state.
>
> Plato[1]

The Concept of Corruption, State, and Governance

Many analysts and the general public ask why so many Latin American societies live in a state of generalized or systematic corruption and why few of them have a state of controlled corruption. According to Transparency International's last Global Corruption Report, fifteen of the twenty-one Latin American countries, including Haiti, Surinam, and Guyana, are among the seventy most corrupt countries of the world (Transparency International 2007).

Corruption is considered one of the most serious threats to economic processes, social development, the consolidation of democracy, regional integration and the accessibility of the benefits of globalization. Klitgaard considers that systematic corruption distorts incentives, erodes institutions, and redistributes wealth and power in an unjust form. When corruption jeopardizes property rights, the rule of law is often ineffective. This reduces investment incentives, and economic and political development becomes paralyzed (Klitgaard 2000).

Many OECD member states and international bodies are focusing on corruption in their aid strategies because (1) tax payers do not tolerate corruption in foreign aid; (2) corruption foments instability and misgovernance in weak democracies; and (3) portfolio investments in corrupt countries are adversely affected by corruption—fund managers tend to overweight less corrupt countries (Wei 2003). Thus, fighting corruption has become a global challenge. Kaufmann estimates that the extent of worldwide corruption is overwhelming, and it is measured in terms of trillions of dollars (Kaufmann 2003a). Kaufmann defines corruption as "the abuse of public office for private gain" (Friedrich 2002), and Koskinen said that corruption is an institutionalized way of stealing from the poor (Koskinen 2003).

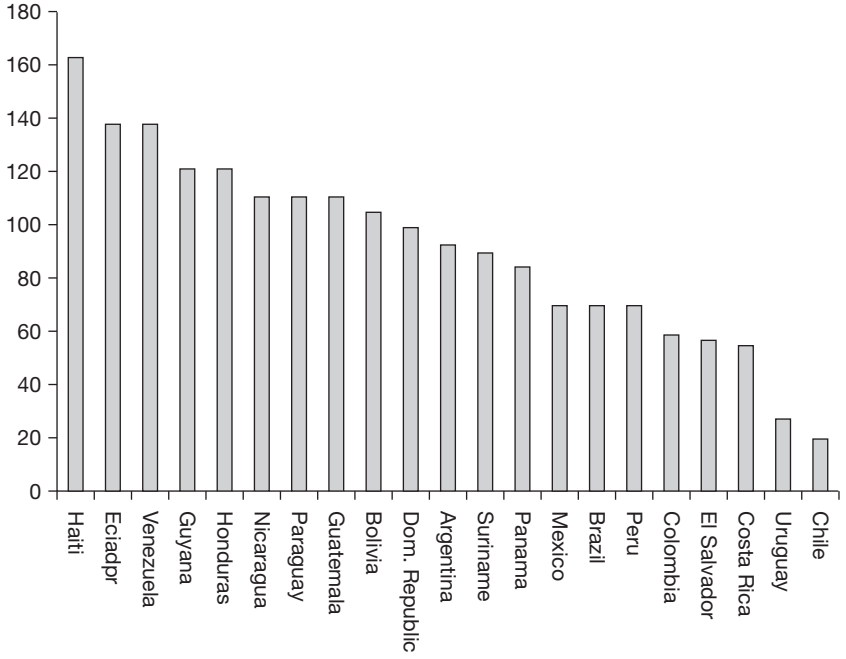

Figure 18.1 Ranking of corruption.

Source: Transparency International, Corruption Perceptions Index (2006), http://www. transparency.org/policy_research/surveys_indices/cpi.

In 1994 and 2000, the Americas Summits' main objectives were: maintenance and fortification of the rule of law, transparency, and accountability. In addition, both summits focused on revamping laws to strengthen transparency and accountability. The 2003 G6 Summit in Evian promoted a strong declaration of the countries' commitment to the fight against corruption and to increase transparency. Unfortunately, concrete actions, as usual, have lagged behind public declarations.

Economic Freedom, Rule of Law, and Corruption

The less economic freedom a country has, the more corruption increases. A weak rule of law significantly adds to the level of corruption in the public sector, as well as the amount of informal activity in a given society (Eiras 2003). Rule of law deals with the degree to which the behavior of individual persons and government authorities follows formal legal rules and corruption is antithetical to the rule of law, particularly in the formalistic sense of this term (Licht et al. 2004, 1). Corruption renders law enforcement agencies and the judiciary system dysfunctional and then, when the judiciary system is weak, corruption goes unpunished and flourishes. A weak judiciary system is an open

window to anything done outside the law. In spite of the tendency in Latin America in the 1980s to provide citizens with greater access to civil liberties, the degree of freedom has decreased, which means that Latin American democratic governments have not fulfilled parallel aspects of democratic freedom (Flores 2005). Some sectors such as security, health, and education are more vulnerable to corruption because so much public money is involved and, despite implementation of macroeconomic reforms by Latin American governments in the 1990s, the region experienced slower economic growth than Asian countries.

"Privatization," Corruption, and "Institution Matters"

One of the elements that has been left behind is legal compliance at the expense of deregulation and the free market. Milton Friedman said that although ten years ago he would have advised a transition country to "privatize, privatize, privatize," he recently came to appreciate the wisdom of having a strong rule of law in place first (Fukuyama 2004, 19). While privatization involved a reduction in the scope of the state's responsibilities and therefore provided fewer opportunities for corruption, it required functioning markets and a high degree of state capacity for its implementation. Nowadays this capacity is absent in many Latin American countries, increasing opportunities for high-level government employees to form relationships with criminal organizations that take over public companies during the ambiguous privatization process. Many of the assets end up in the hands of so-called oligarchs who did not make productive use of them (Hellman and Kaufmann 2001). Nicaragua, under President Aleman's government, is a well-documented case of the mishandling of the

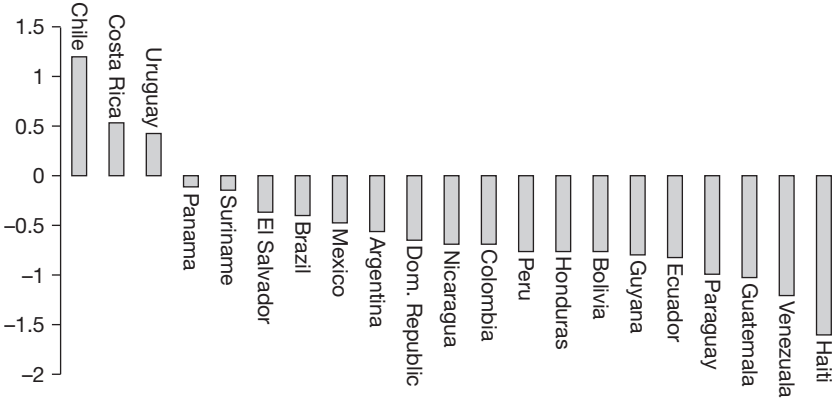

Figure 18.2 Rule of law.

Sources: The World Bank, *Worldwide Governance Indicators 2005*. Washington, DC: The World Bank, http://www.worldbank.org/wbi/governance. The data and methodology used to construct the indicators are described in Kaufmann et al. (2006).

privatization process (Deonandan 2004). Benefits went to a small circle of political cronies while the bulk of the population remained in a state of endemic poverty. Other experts like Stiglitz have criticized mistakes of the reform, which have not accompanied social politics development (Facetti 2006), including the fight against corruption.

It is widely recognized that government corruption and its counterpart, poor governance, increase conflicts and inequalities among people, thus also undermining human rights. The fight against poverty goes hand in hand with the fight against corruption because corruption is one of the main causes of poverty (Pedersen 2005; Aznar 2007).

There is less corruption in societies with a strong rule of law, transparency, voice, accountability, political stability, lack of violence, and where an effective bureaucracy governs the public sector. When a good government as in the case of Chile, Costa Rica, and Uruguay exists, the state has an effective presence in all of its territory, and citizens living in those territories are able to access efficient and good service quality.

That type of state shows a good performance in indicators such as UNDP Human Development Index, Transparency International's Corruption Perception Index, Index of the Freedom Houses Freedom of the World Report

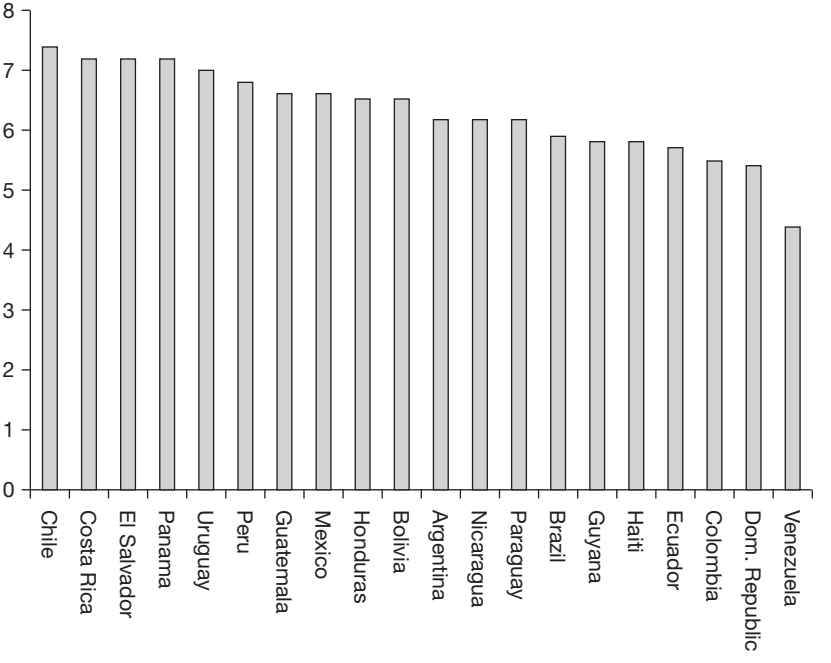

Figure 18.3 Economic freedom.

Sources: World Index of Economic Freedom (2004). The Heritage Foundation/Wall Street Journal. The Fraser Institute. Economic Freedom of the World. Vancouver. http://www.freetheworld.com.

and GDP per capita. Chile, which is an emerging economy, has a lower level of corruption, even lower than some wealthy OEDC countries (Rotberg 2004). States with good governance assure political and civil liberties, and create a propitious atmosphere for economic growth and investment. In addition, law compliance reigns and "accountability" can be found. Justice is independent. The hospitals work, the highways are maintained and expanded, education evolves creating competitive citizens for a globalized world. These states contribute positively to the construction of the international system, to peace and regional stability. To synthesize, there is less corruption.

When is the State Captured by Corruption?

When the state or government is weak the opportunity exists for powerful companies, groups of powerful interests, or transnational predators (Rice 2006, 6) to take over vital areas of government. In such cases, the states can intrinsically be weakened by macroeconomic, geographic, physical, and population pressures; or sometimes are basically strong but occasionally weak owing to internal insecurity, antagonism, and despotism. They can be incapable of controlling their territory, generating porous borders, and "ungoverned spaces," which become remote areas that provide safe havens, training grounds, and recruiting fields for terrorist or criminal networks (Rice 2006, 7).

Weak states can display religious disputes and/or regional and local ethnicity conflicts (violent or not). In this category of state, there is incapacity to offer security to the population, presenting high levels of criminality, epidemics, low-quality education, tensions, disputes, or serious social conflicts. The physical infrastructure network tends to collapse, the hospitals and schools show signs of abandonment, as much in urban zones as in rural. Sanitation and clean water access is inadequate, the atmosphere is contaminated and natural resources depleted. There may be mass migratory movements of people. Authorities harass civil organizations and the political parties of the opposition. In these situations corrupt elites capture the state and exert control over territory and resources (in Colombia the FARC; in Colombia, Peru, and Bolivia cocaine producers; in Mexico and Paraguay marijuana producers, cocaine and arms traffickers). When state capture happens the following situations can be observed (Hellman and Kaufmann 2002):

- private purchase of legislative votes
- private purchase of executive decrees
- private purchase of court decisions
- illicit financing of political parties.

Failing States in Latin America

Political and governance analysts in the region have only occasionally in their work employed the concept of failing states. However, there is evidence that

some states are failing but are far from collapsing, as in Haiti. In addition, other countries such as Colombia, Paraguay, Venezuela, Bolivia, and Ecuador have appeared at the edge of collapse in some of the lists that measure governance.

Foreign Policy (Foreign Policy 2006) introduced an index of failing states that included Brazil, Bolivia, Ecuador, Mexico, Paraguay, Peru, and Venezuela as near the limit. According to this index Colombia is the only country in the region to be considered in danger or in the category of almost failing state, owing to the narcoterrorism and the insurgency. Ecuador, Bolivia, and Paraguay are incubating the "germ" of a failing state, but at the moment they have been able to solve the serious interregional or domestic problems. Even so, in some of them, the appearance of "incubators" of terrorists is latent (Rice 2006, 6). Generally, in this category a strong personalized clientele and patrimonial executive branch can be found. This kind of government shows little or no existent clarity between (1) the limits of public and private interest, and (2) the general and individual interests, coexisting with groups that have, in greater or smaller degree, taken their power from the state control (Flores 2005).

Analyzing this index it can be affirmed that many degrees of failure can be found in a state, at the international level as well as at the domestic level. In the

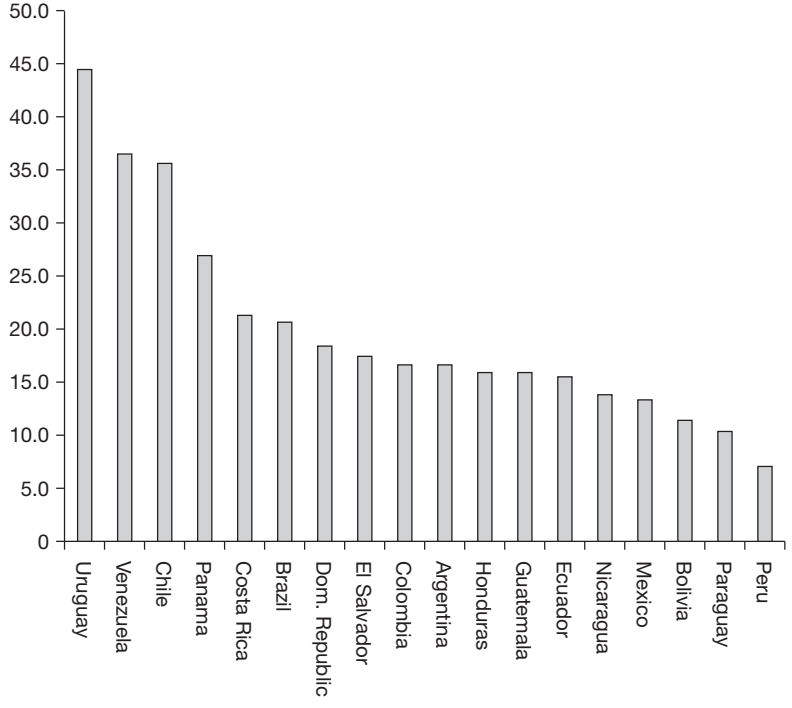

Figure 18.4 Citizen compliance with the law.

Source: Corporación Latinobarómetro 2005. Santiago de Chile. http://www.latinobarometro.org. Question: P74STA. Do you think that citizens of [country] are very, quite, a little or not at all lawful? Here only percent saying "very."

case of Colombia, Brazil, or Mexico we find that the state can be weak in domestic security but stronger in foreign direct investment, good governance, or in many human development indices; although in the case of Paraguay, Ecuador, and Bolivia the state can perform better at the local or provincial level but more poorly at the national level. Failing states is such a vast concept that in this list for Latin American countries we found countries emerging from long dictatorships such as Paraguay and countries in post-civil-war status like Haiti and El Salvador. We agree with Tedesco that the concept of state failure is merely instrumental (Tedesco 2007).

Haiti is included in the category of failing state, as a country that since its independence from France has experienced weak institutions, autocratic regimes, corrupt governments, war or permanent hostility with its neighboring Dominican Republic, US occupation from 1915 until 1934, a civil society absolutely intimidated, and, until today, child slavery. Since the 1980s the control of drug trafficking has been deficient or nonexistent, with lack of interest of its authorities in interdicting the dealers.[2]

According to indicators of the World Bank and the Latinobarometro, several states register very low levels of corruption control and compliance with the law. The consequences of the situation that this type of state confronts are translated in "an erratic oscillation between statetization and particularization, centralization and dispersion where the state loses internal cohesion as well" (Flores 2005, 24) resulting in misgovernment, with a serious risk of state capture by corruption.

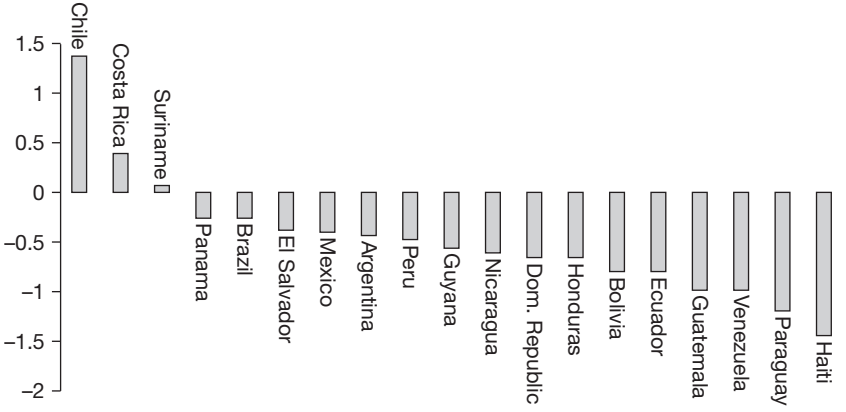

Figure 18.5 Control of corruption.

Sources: The World Bank, *Worldwide Governance Indicators 2005*. Washington, DC: The World Bank, http://www.worldbank.org/wbi/governance. The data and methodology used to construct the indicators are described in Kaufmann et al. (2006).

Benefits Fighting Corruption

Kaufmann et al. (2000) define governance as "the process and institutions by which authority in a country is exercised." It contains three elements: process, capacity, and attitude defined as follows:

- process by which governments are selected, held accountable, monitored, and replaced
- capacity of governments to manage resources efficiently, formulate, implement, enforce sound policies and regulations
- respect for institutions that govern economic and social interactions among them.

Many authors (UNESCAP, EPIC) affirm that good governance has at least eight major characteristics. They are: consensus building, participation of all interest, accountability, transparency, responsiveness, effectiveness and efficiency, equality and inclusiveness, and following the rule of law (UNESCAP). This assures that corruption is minimized; the views of minority voices are taken into account, and those of the most vulnerable in society are heard in decision-making (EPIC).

But how is it possible to have good governance in a region where corruption, political volatility, and illegitimacy reign? Good governance is also related to the capacity of a state to build a strong state. "Only countries that have sound institutions achieve economic growth and development over time. There is no good reason why this should not be attained in Latin America too, along with a lean but strong state able to fulfill its main task: to guarantee the rights and freedom of Latin American citizens. Poverty can effectively be fought in Latin America" (Aznar 2007). Unfortunately what is possible has been, up to the present, largely unachievable.

The three elements cited by Kaufmann et al. are unbundled into six indicators of governance: voice and accountability; political stability and absence of violence or terrorism; government effectiveness; regulatory quality; rule of law; and control of corruption (Kaufmann et al. 2008). These indicators are basically qualitative and are prepared by NGOs, multilateral agencies, and commercial risk-rating agencies, and are based on surveys of experts, firms, and citizens. They cover a wide range of topics: perceptions of political stability, the business climate, views on the efficacy of public service provision, opinions on respect for the rule of law, incidence of corruption perception, etc. The sources of governance data are (Kaufmann 2003):

- Cross-country Survey of Firms: Global Competitiveness Survey, World Business Environment Survey, World Competitiveness Yearbook, BEEPS
- Cross-country Surveys of Citizens: Gallup International, *Latinobarómetro*, Afrobarometer
- Expert Assessments from Commercial Risk Agencies Rating: FDI (Foreign Direct Investments), DRI, PRS, EIU, World Markets Online

- Expert Assessments from NGOs, Think Tanks: Reporters Without Borders, Heritage Foundation, Freedom House, Amnesty International
- Expert Assessments from Governments, Multilateral Agencies: World Bank CPIA, EBRD, State Department Human Rights Report.

Kaufmann considers (Kaufmann 2003b) that the qualitative data generated by the perception are as important as the most objective data and in some cases they reflect the reality with greater success. In summary, corruption needs to be tackled within a broader context of important dimensions such as rule of law, voice and accountability, transparent campaign finance, freedom of the press, protection of property rights and others. The particular key issue is to clearly identify in which dimensions there are governance challenges within each state, what are the hidden interests contributing to corruption, and why they are weak institutions which incubate corruption.

Kaufmann estimates[3] that, if a country impels changes toward good governance and fights against corruption, it could quadruple its per capita income in the long term (this is called the "400 per cent governance dividend"). That is to say, a country like Paraguay, with an average per capita income in 2006 (Banco Central del Paraguay 2006) of US$1,550, could reach US$6,200. In addition, Kaufmann estimates that infant mortality could decrease by 75 per cent and produce a 3 per cent annual business growth[4] through national and foreign direct investment.[5] Corruption should be fought if there is a will to decrease poverty; key questions are: What are the conditions needed for a nation state in order to fight corruption? What should a nation do to fight corruption? The answer to the first question is basically revamping governance or fighting misgovernance; the answer to the second question is more complex but perhaps the example of the performance of Chile is useful to understand the measures needed to reduce corruption. Chile has been the most successful country in the region in developing a robust economic model in the last two decades based on access to other regional or bilateral economic markets, private initiative and investments, strengthening of the regulatory capacities of the government, and in transparency and promoting the independence of the judiciary. Through such measures the country has doubled per capita income and this is expected to reach US$10,000 in the coming years. Parallel to this economic growth, poverty reduction was notable: poverty fell from 45 per cent to 13.7 per cent in less than five years (La Tercera 2007).

Chile's success in fighting corruption can be explained by measures suggested by Buscaglia and Gonzalez Ruiz (Buscaglia and Gonzalez Ruiz 2005) and Hellmann and Kaufmann (Hellmann and Kaufmann 2001) to avoid and combat state capture by corruption. They recommend that a state should promote competition in both the political and the economic arena. In the economic arena, they should do this by restructuring monopolies to increase competition, fomenting free commerce, eliminating barriers to market entry, reducing tariffs, and by the creation of more favorable enterprise surroundings by eliminating enterprise subsidies and reducing licensing requirements. In the political arena,

opening a decision-making process in the construction of public policies and promoting transparency (e.g., in the enforcement of banking, auditing, and accounting standards; and improving tax and budget administration) are critical factors. In this perspective, Buscaglia includes institutional reforms within the civil service, legal and judicial reforms, and the strengthening and expansion of civil and political liberties as important elements in hampering or reducing corruption practices. Other important micro-organizational reforms are: improving administrative procedures to avoid discretionary decision-making and the duplication of functions; reducing procedural complexity; and making norms, internal rules, and laws well known among officials and users (Buscaglia 1999).

Many Latin American countries implement auditing practices within the courts for monitoring money flows and possess a criminal code punishing corrupt practices. But even if they function properly, those two mechanisms are not enough to reduce the systemic corruption in the application of the law. Other dimensions need to be addressed, like the monopoly exerted by the court when there is no alternative mechanism to resolve disputes (Buscaglia 1999).

Actions Taken by the Chilean Government to Fight Corruption

Chile has adopted and implemented a simple procedural code while introducing alternative dispute resolutions, which allows a reduction in the reports of court-related corruption. (Another successful Latin American country in fighting corruption within the courts, Costa Rica, has created a specialized office to support the courts in issues to deal with budget and human resources management, court notifications.) The administrative support offices of Chile that were shared by many courts have decentralized administrative decision-making, while reducing the previously high and unmonitored concentration of organizational tasks in the hands of judges (Buscaglia 1999, 8).

In 1994 President Eduardo Frei created a National Commission on Public Ethics. In his term of government, several ad-hoc commissions were created in the Chamber of Representatives, which investigated corruption. However, they failed to investigate senior political civil servants. At the same time the office of the General Comptroller's Office, an independent agency created in 1926, was very active in investigating and providing recommendations relating to public officers' performance. The Chamber of Representatives, because of scandals, created a Commission on Ethics, and the major political parties created similar commissions within their organizations. By the end of 1999, still under Frei's government, the Congress enacted an anticorruption legislative package to insure transparency in public bureaucracy. Chile is also signatory member of the OEDC Convention on Combating Bribery, which was ratified in March, 2001.

After 2002, four important scandals shocked Chilean society: diverting of funds at the Ministry of Public Works; some members of the cabinet receiving extra money in cash as a supplement to their monthly official salaries; a highly

placed officer in the National Development Corporation illegally transferring governmental bonds to a private investment corporation, INVERLINK; and some deputies investigated for bribery accusations. In reaction to the scandals, the government, the courts and Congress enacted a number of legal and administrative reforms including rules clarifying and modernizing the system by which civil servants are paid; a new political campaign finance legislation; the implementation of measures toward a performance-based management system through the establishment of a permanent budget commission to oversee government spending; the establishment of ethical guidelines for civil servants; and reforms to the contracting system employed by the Ministry of Public Works.

Privatization eliminates the dependent nature of political parties from the entrepreneurial state when the former clientele mechanisms are dismantled. The reduced state machinery could not maintain the previous clientele model. The successful introduction of market economics made the Chilean political elite more dependent on the market and on a new and empowered entrepreneurial class (Rehrens 2004). The position of Chile in the world ranking is also due to the regulatory system which is very transparent with very simple regulatory schemes; regulators have little discretion in many of their acts.

In January, 2003, the newly installed President, Ricardo Lagos, continued Frei's effort, creating a Transparency and Probity multi-party commission, charged with proposing a major governmental overhaul to fight corruption (Rehrens 2004). Reforms included designing a new civil service, streamlining the bureaucracy, diminishing the number of political appointees, establishing new recruitment patterns and a merit system in the public service, reducing the amount of discretionary funds managed by the Office of the Presidency, and creating public subsidies to finance electoral campaigns. The initiative, most of whose components became law by mid-2003, was a second wave of required reforms complementing the successful implementation of market economics in the 1980s. The performance and independence of the judiciary showed in many controversial cases ("Pinocheques," Briggs Bank) and was a positive trend that helped in controlling corruption. The Chilean case demonstrates at least partially that a strong rule of law acts as a deterrent to some corruption activities.

State of International Conventions

As indicated before, some Latin-American governments appear serious about addressing corruption. On the global scene, one positive step is the adoption of the United Nations Convention against Corruption, signed in December, 2003, in Merida, Mexico, and adopted by 136 states. The main political hemispheric organization—Organization of American States—and also the Organization of Economic Co-operation and Development, which includes Mexico, have also implemented anti-corruption conventions: Inter-American Convention Against Corruption 1996, adopted by thirty-three of thirty-four Latin American states, and OECD Convention on Combating Bribery, 1997. In April, 2007, both

organizations signed an agreement supporting the implementation of both conventions (Respondanet, www.respondanet.org). The Inter-American Legal Convention is the first regional anti-corruption tool in the world and it has a follow-up mechanism (MESICIC), to ensure the completeness and adequate implementation of the agreement in each Latin-American country. Under this mechanism the country being evaluated can be visited by participating states. In addition, during the development of evaluations, the states must render accounts on the implementation of recommendations dictated by the committee of experts in the previous round (Poroznuk 2006).

The convention's specific objectives are: to promote and strengthen measures to prevent and combat corruption more effectively; to facilitate international cooperation and technical assistance; and to promote integrity, accountability, proper management of public affairs, and public property. The UN Convention against Corruption—UNCAC—is the most complete anti-corruption treaty in existence. The treaty considers a vast variety of matters related to fighting corruption (Transparency International 2007).

International Conventions and Donor Policies

To improve governance and reduce corruption, at least twelve international conventions and guidelines, and at least seven donor policies have been prepared, largely over the past decade. These include the 2003 UN Convention against Corruption signed by 136 nations:

- The "five key elements" of the World Bank (Kaufmann 2004)
- Asian Development Bank (ADB)/Organization of Economic Co-operation and Development (OECD)/Anti-corruption for Initiative Asia and the Pacific (2004)
- Corporate Governance for Principle Business Enterprises developed by Hermes Pensions Management and Asian Development Bank, circa 2003
- UN Convention against Corruption 2003
- Warsaw Declaration: Toward a Community of Democracies 2000
- Jakarta Declaration for Reform of Official Export Credit and Investment Insurance Agencies 2000
- United Nations Convention against Transnational Organized Crime 2000
- Council of Europe, Civilian Law Convention on Corruption 1999
- Council of Europe, Criminal Law Convention on Corruption 1998
- Council of Europe, Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, November, 1990.

The Latin American main donors practices and policies include:

- US Foreign Corrupt Practices Act 1977
- Canada's Convention on Combating Bribery of Foreign Public Officials in International Business Transactions 1998

- DFID (UK) Anti-corruption Strategy 2001
- Sweden, SIDAs Anti-corruption Regulation 2004
- Denmark, Danidas Anti-corruption Action Plan 2004
- Norway, NORAD's Good Governance and Anti-corruption Action Plan 2000–1
- Germany, BMZ Good Governance Position paper 2002.

Corruption, Organized Crime, and Terrorism

Many Latin American state structures, as nation states, are deeply fragmented and in some cases there is an armed conflict under way (Colombia, Haiti). All but one (Cuba) are under democratic regimes; nevertheless many of these are characterized by poor governance, social exclusion, bloodshed, kidnappings, and disappearances (El Salvador, Haiti, Mexico, Guatemala, Colombia, and Paraguay). In the case of Haiti and lately Colombia, the armed conflicts have expanded into social chaos with a breakdown of the state's social structure, as well as diplomatic conflicts with neighboring countries like Venezuela and Ecuador. Actors involved in armed conflict frequently believe in, and act on, the assumption that in war anything goes: massacres, executions, rape, disappearances, kidnappings, the recruiting of child soldiers, blowing up bridges, pipes, power lines, planting landmines that cause mutilation, forced displacement of people, harassing villages, attacking health and educational infrastructures, etc. (Ramirez 2000), undermining state structure for good governance, and creating and disseminating corruption. In this depleted function, the state cannot deal with violence and organized crime. The platform that maintains the delinquency is corruption, violence, and obstruction to justice. Through violence, control settles down on the members of the organization, their competitors, and their controlled groups. Also, through corruption, organized crime gains access to markets by paying officials who are in charge of regulating it, resulting in the acquisition of infrastructure work contracts and controlling markets (González et al. 2002).

Organized Crime

Organized crime is conducted by an organization and can be broadly divided into fraud, smuggling, racketeering, kidnapping for ransom, and finally, armed robbery (Graeme et al. 2004). Examples of fraud are: taking a percentage from social security; not paying taxes, DVD and CD piracy; illegal logging (forest and wildlife), and cultivating or refining narcotics. Illegal traffic of cigarettes, alcohol, narcotics, natural resources or humans are examples of smuggling. Racketeering is demanding money from businesses in exchange for the service of "protection" against threats (e.g., extorting percentages from prostitution, human and wildlife smugglers, narcotic trafficking, forging of identity and travel documents). In addition to developing links with organized crime groups, terrorist or insurrectionist groups directly engage in organized crime (e.g., the FARC in Colombia,

the Shining Path in Peru): for instance, for exchange of arms the FARC provided cocaine to organized crime in Paraguay. Links between corruption, organized crime, and terrorism are tight. A recent study (Salvatti et al. 2007) shows that thirty out of forty organized crime groups resort to corruption to reach their objectives and thirty-three use violence in their actions. Illegal trafficking of nuclear, radioactive, chemical, biological materials and conventional weapons is generally managed by transnational organized crime that utilizes corruption in all the levels of government. Through this method the organized Mafia insures its ability to obtain arms and provide them to terrorist groups. Terrorist organizations themselves are heavily involved in organized crime, particularly drug trafficking, human smuggling, credit card fraud, and racketeering (Wilkinson 2000).

Table 18.1 shows a list of nuclear and radioactive materials stolen from Latin American countries. Some of the stolen materials were intended to be sold to illegal groups or to extort money from owners or authorities. This type of material can be used by terrorist groups for fabricating dirty bombs or Improvised Nuclear Devices (IND) or Radiation Dispersion Devices (RDD).

Corruption in Law Enforcement Organizations in Latin America

Collateral effects of increasing illegal trafficking in countries include a boost in homicide rates and an increase in corruption. In July, 2007 many high-ranking officials of the Colombian Navy were indicted because of links to the FARC and corruption. In Guatemala 120 police officers were expelled in 2007 from the Police Corps because of links to corruption and the assassination of three congressmen from El Salvador (El Pais 2007). In the past, the US Drug Enforcement Administration (DEA) has formally accused a dozen Guatemalan military officers of drug trafficking. That government had uncovered networks permeating the entire anti-narcotics police so that this agency was riddled with corruption. In 2003, the US denied certification to Guatemala based on evidence that members of the Department of Anti-narcotics Operations (DOAN) were stealing confiscated cocaine. Guatemala's government later closed the DOAN (Duran Martinez 2007a). The instability of political parties and their organizations contributes to such a deep influence of organized crime in the political system.

In Honduras in 1996, the illegal sale of an estimated 12,500 passports to citizens coming from Asia and wanting to enter the US (the El Chinazo case) was revealed. Reports also indicate that in the Mosquitia Coast and in the Gracias a Dios department local politicians are captured by drug traffickers and are involved in the illegal extraction and trafficking of timber (Duran Martinez 2007b). A similar situation was reported in Paraguay, in the departments of Concepcion and Amambay, the nation's northern border with Brazil, where local representatives of the ruling government party are facing accusations of drugs and timber trafficking and also of being part of an arms trafficking network that distributes small arms in the *favelas* in Brazilian mega-cities and heavy weapons to guerrilla groups in Colombia.

Table 18.1 Illicit trafficking incidents of nuclear and radiological material in Latin America

Incident date	*Incident country and location*	*Nature of incident type*	*Type of material*	*Object trafficked*
1993–08	Brazil Belem	Unauthorized possession	N	1400 kg Th. (thorianite ore)
1998–07–15	Colombia Soacha (Cundinamarca)	Theft	B	(17.1 kg) Depleted U; Ir-192
1998–02–09	Colombia Espinal, Tolima	Theft	S	Cs 137; Am 241/Be neutron source
1999–02–20	Peru	Unspecified discovery	S	Ir-192
2000–11–06	Ecuador Guayaquil	Theft	S	Am-241/Be neutron source; Cs-137
2001–03–16	Colombia Nicolas de Federman, Bogotá	Unauthorized possession	B	600 g of U natural
2001–04–16	Colombia Bogotá	Theft	S	Ba-133
2001–10–17	Mexico Baja California Sur	Theft	S	Cs 137 Am-24/Be neutron source
2002–01–21	Peru Lima	Theft	S	Cs 137 Am-24/Be neutron source
2002–06–07	Brazil Near Vitoria, Esprito Santo	Theft	S	Am-241/Be neutron source
2002–06–19	Bolivia Oruro	Theft	S	Am-241/Be neutron source
2002–09–02	Mexico Tlanepantla, Edo. de Mexico	Theft	S	Ame-241
2002–12–10	Ecuador Quininde, Esmeraldas	Theft and extorsion	S	Ir-192
2003–04–09	Peru Lima S	Theft	S	Cs 137 Am-24/Be neutron source
2004–02–11	Ecuador Guayaquil	Theft	S	Cs 137 Am-24/Be neutron source
2004–05–09	Uruguay Montevideo	Thef	S	Ir-192
2004–05–17	Costa Rica Siquirres	Theft	S	Ir-192 source
2004–08–01	Peru Lima	Theft	S	Cs-137
2004–12–18	Mexico Tijuana, Baja California	Theft	S	Cs 137 Am-24/Be neutron source
2004–10–28	Bolivia La Paz Customs Office	Discovery	S	Co-60; Eu-152
2005–12–18	Venezuela Yiritagua, Edo. Yaracuy	Theft	S	Ir-192
2005–12–28	Venezuela El Tigrito, Edo. Anzoategui	Theft	S	Cs-137
2006–02–17	Brazil State of Amapa	Unauthorized possession	N	255 kg Th
2006–02–24	Colombia Bogotá	Attempted sale	N	14.032 kg depleted U
2006–07–19	Venezuela El Tigre, Estado Anzoátegui	Theft	S	Cs 137 Am-24/Be neutron source
2007–09–23	Venezuela Pto. Ordaz	Theft	S	Ir-192

Material Type: N = nuclear material, S = radioactive source, B = both material types N and S.

It is recognized among experts that organized crime could not have flourished in Latin American countries to the extent it has, if there had been governance and control over corruption. Criminal organized groups from many countries and weak states play a major role in facilitating illegal trafficking and wholesale distribution in huge hemispheric economies like the US, Mexico, Brazil, and Argentina. From the twenty-two drug "majors" listed in the *International Country Narcotics Strategy Report, 2005* (US Department of State 2005), fourteen countries belong to the Latin American and Caribbean region: the Bahamas, Bolivia, Brazil, Colombia, Dominican Republic, Ecuador, Guatemala, Haiti, Jamaica, Mexico, Panama, Paraguay, Peru, and Venezuela.

Flores (2007) distinguishes five different relationship levels within a corrupt public sector with organized delinquency:

- The first level is an act of bribery.[6] Bribery *consists of offering or granting an individual agent any type of benefit, in exchange for the accomplishment of an act* (United Nations Office for Drug Control and Crime Prevention 2002).
- At the second level the acts of bribery are incessant and reiterated; the civil servant is already in the list of the criminal group.
- At the third level governmental agencies are infiltrated occasionally in the positions of low rank.
- The fourth level is characterized by a governmental permeation and porosity in the highest levels, or what some authors define as *penetration of the state* (Shelley 2002).
- At the fifth level political infiltrations are carried out. Groups of organized delinquency become actively involved in financing political campaigns, corrupting the democratic electoral processes and buying state policies (mostly in security, migration, and natural resources management).

Levels of arms trafficking, human smuggling, and financial fraud activities are directly linked to high levels of corruption and to organized crime (Buscaglia, Gonzalez, and Prieto 2002). The direct relation that exists between organized crime and corruption constitutes a clear threat to security and regional and sub-regional political stability (one example constitutes the conspiracy by the regional organized crime to assassinate Honduran President Robert Suazo Cordova and take over the government of Honduras in the 1980s). Nowadays organized crime in Latin America has the capacity to undermine and further corrupt societies and their governments and threaten the security of most citizens.

Corruption and Environmental Governance

Environmental issues provide an excellent case study of the nature and impact of corruption and the ways in which it both undermines democratic practices and the rule of law and contributes to a public loss of confidence in the political system. In addition, corruption in this area has lasting impacts, undermining not

only the present society but prospects for future development and democratic stability.

In Latin America many countries are rich in natural resources and some economies are primarily based on them. In cases when the government is weak, resource distribution, extraction, and management become fertile grounds for corruption. Paraguay is a typical example where the royalties from the Itaipu Hydropower plant enable political leaders to maintain their monopoly of power by backing a perverse system of patronage that rewards supporters.

In hotspots in Latin America, the most common threats include illegal logging and the poaching of wildlife and the illegal trafficking of rare plants for food, or medicinal uses. Other important issues are the mineral, oil, and gas industry in vulnerable and poorly maintained protected areas, logging, road and waterway construction, new colonization, and expansion of agricultural land (soybean production) in forest areas. In Paraguay this soybean expansion fueled domestic clashes and obligated the government to implement sustainable policies (Facetti 2004) for effective land and forest management, reducing deforestation from 190,000 ha. per year in 2004 to an estimated 7000 ha. per year in 2007 (Facetti 2007). Many of the protected areas are "paper parks" or are small and fragmented. One of the most severe threats to conservation in the Amazon Basin hotspot is that posed by the oil industry, which has produced in Ecuador alone environmental damage the cost of which is estimated at up to US$6 billion.

In well-performing states, where government works properly, environmental regulation is correctly managed and sustainable policies are promoted. On the other hand, when gaps in the environmental management (environmental mismanagement) occur in states with integrity policies and transparent institutions, governance systems react and immediately pass new regulations and enforce them. This performance provides a continuing cycle that promotes and reinforces the environmental system. Regrettably, corruption often erodes these systems and interrupts the cycle, making environmental authority unaccounted to its citizens and more vulnerable to acts of environmental damage or risks. In weak states, environmental regulations are often ignored or bypassed, in part because environmental authorities at the national or local level are underpaid so that officials are forced to take bribes to survive (School of International & Public Affairs Columbia University 2006).

The experience of the author in many Latin American countries like Haiti, Paraguay, Bolivia, Ecuador, and El Salvador has helped him to identify trends that characterized corruption in most of the cases:

- Corruption is more severe in countries with weak democracies, and natural resources management is not a priority in their development policies (Haiti, Bolivia, Ecuador, and Paraguay).
- Corruption is severe in countries with a limited culture of public participation in decisions and where the society is not involved in controlling the policy-making process.

- Mismanagement of the environment, natural resources, and corruption are notorious in countries where there is low economic development.
- As in other areas like security, weaknesses in governance structures inhibit good governance and facilitate corruption in the environmental field.
- The trading partners of corrupt countries often promote and exacerbate illegal activities which degrade the environment by providing the demand for natural resources (e.g., illegal trafficking of wood between Bolivia and Brazil; Ecuador and Peru; illegal trafficking of vegetal charcoal between Paraguay and Brazil; illegal fishing in Paraguay and Brazil; illegal trafficking of gas in Bolivia and Peru and Ecuador and Colombia; illegal trafficking of diamonds in Venezuela and Surinam).
- Countries that depend on the exploitation of their natural resources experience high levels of corruption, and hence poor environmental governance (Ecuador; Paraguay; Bolivia).
- Multilateral institutions, non-profit organizations, and governments which provide economic and environmental assistance to developing nations, whether in the form of foreign direct investment or foreign aid, have the ability to influence behavior (for example, the WWF in Paraguay revamping the government and helping the government in fighting against deforestation).

The author also witnessed in many Latin American countries three main reasons why corruption affects the environmental sector and creates opportunities for illegal activities. First, government regulators control access to very valuable natural resources and can facilitate this access. Second, environmental issues are overlooked and there is no monitoring of the performance of the policy implementation. Third, the government often gives very low priority to environmental management and conservation policies; thus enforcement institutions receive insufficient funding. There in no doubt that corruption is a major cause of environmental degradation in Latin America.

Levels of Internal Corruption in the Environmental Sector

All levels of a government and society can be affected by corruption, and according to the Flores classification (2005) it can take many forms. At the lowest level occasionally civil servants, in charge of distribution of natural resources, issuance of environmental permits and certificates and imposition of fines for non-compliance with standards regulations, accept bribes or gifts. At the highest level poorly paid public officials are influenced in important policy decisions (like avoiding the use of regulation tools for controlling logging and wildlife traffic) in favor of wealthy external groups and there is a form of state capture, or laws and policies are designed for a special interest or are designed to facilitate private gain via illegal and non-transparent activities.

At such a level of corruption, illicit activities are vertically structured with complicity reaching the highest level of government. It is possible that the civil servant may have been appointed or purchased his position and is expected to

generate profits both to get a return on his investment and to pass it on to his bosses. In Paraguay in 2006, the most respectable newspaper denounced through its editorial the high level of corruption within the Environmental Authority for approval of environmental impact assessments. The newspaper affirmed that the Minister Alfredo Molinas was aware of the level of corruption.[7] Other examples of corruption in the environmental sector in Paraguay are: approval of gas exploration ventures; avoiding of reporting and prosecution for non-compliance with forest or land management; and ignoring infringements of timber and other manufacture processing regulations, including pollution controls. The same person was accused in August, 2008 by the authorities of the new government of Paraguay of massive irregularities in the implementation of an agreement of US$16 million with Itaipu Binacional; this was considered to be the largest case of corruption in the environmental sector in Paraguay (Rehnfeldt 2008).

Briefly, corruption in the environmental sector, as in many others, occurs when government officials have high levels of discretion combined with a lack of transparency and accountability, when in the system there is a disproportionate influence of interests.

When policy-makers establish complex and inapplicable laws for controlling the access to natural resources, inappropriate procedures for public participation in public hearing, or complex and timely licensing processes, corruption practices occur and are enhanced by: (1) internal regulatory roles concentrated in a few civil servants (e.g., environmental auditors, regulators, inspectors, and administrative judges concentrating a larger number of regulatory roles); (2) the complexity of the administrative and technical steps for environmental licensing coupled with a lack of procedural transparency followed within the authority; (3) great uncertainty related to the prevailing policies, laws, and regulations (e.g., increasing gaps, inconsistencies, and contradictions in regulatory rules); (4) non-existence of intermediate levels of alternative sources of dispute resolution like local governments and community-based organizations; and, finally, (5) the presence of organized crime groups (e.g., illicit traffickers of biodiversity, timber, and wildlife cartels).

Some Latin American countries have experienced during the last decade improved performance in their environmental policies and corruption because they have:

- modernized and introduced international environmental protocols or agreements (such as the Convention on International Trade of Endangered Species of Wild Flora and Fauna)
- prioritized preventive environmental policies rather than reactive policies and introduced top-down (audits) and bottom-up monitoring mechanisms (community member watchdogs participating in accountability meetings and through anonymous comment forms)
- established alliances and partnerships with NGOs and implemented rule of law organizations in the conservation sector
- expanded information technology tools in environmental monitoring

and consolidated existing information networks to include accessible information on environmental degradation and compliance of the law

- expanded "education" and built a wide social pact, to encompass the environment and to increase public participation in public policy debates and in licensing of activities at the local level.

Conclusions

In many Latin American countries corruption in the renewable resources sector and others occurs when regulations exist to control the illegal activity but are not regularly enforced. Bribery is common also in many countries. In Paraguay, illegal payments are required either to obtain licenses for mining, gas prospecting, or other activities or to obtain them quickly (La Nación 2007). Corruption in the forest sector is often fueled by demand for products in export markets. The illegal logging in Paraguay is often managed by Brazilian companies, which have a waiting market in Brazil. The lucrative market for diamonds in Surinam is fueled by exports to European and Indo-Asian markets. Demand in China and Japan drives the illegal trade of shark-fin from Central American countries as well as from Ecuador. Finally, border issues are also a large contributor to environmental problems. Countries that have more lax or poorly enforced regulations as well as poorly monitored borders are often exploited by neighboring countries (or multinational companies) to elude stricter regulations, as in the example of ore mining in Bolivia, or illegal logging in Paraguay by Brazilian companies or in Ecuador by Peruvian and Colombian companies.

In the long term, the fight against corruption and abuse of power needs to combine accountability, transparency, and public participation, but it also requires changing attitudes and behavior of both civil servants and citizens, with the goal of improving transparency and accountability in the governance process. This includes prevention but also introducing punitive aspects. To reduce corruption many measures should be taken at the same time and in different areas: that is to say, a set of measures can be included in improving regulatory systems, strengthening adaptation capacities, and enhancing participation of stakeholders (Hallack and Poisson 2007).

By *improving regulatory systems* through the implementation and enforcement of international conventions, Latin American countries can step up enforcement of both the United Nations Convention against Corruption and the Inter-American Convention against Corruption, and design clear norms and regulations and implement an efficient control system. Design of norms includes standardization and harmonization of public expenditure and procurement procedures (having less complex processes and bureaucracy, and increasing the transparency of public administration) and design of incentives in order to create a meritocratic civil servant system with an ethical "code of conduct."

Strengthening of adaptation capacities of civil servants in order to enhance skills of management, accounting, monitoring, and audit will allow implementation

of prevention measures, (e.g., implementing a National Integrity Plan, or the creation of a Financial Intelligence Unit to consolidate evidence and help prosecution against corruption) and will improve public service delivery. Practical measures to strengthen adaptation capacities can include the creation of subregional academies (Central American countries, Andean Region, Mercosur Region) to train anti-corruption officials and will function as a center for anti-corruption capacity building, promoting best practices in prevention, detection, and response, including forensic accounting. In a larger view, regional trans-border corruption requires a comprehensive approach by the governments. In many Latin American countries the regional approach is absent in counteracting trans-border crime and corruption.

Enhancing public participation. In order to restore the credibility of government and to ensure the ownership it is vital that a participatory process is developed among all the stakeholders. By enhancing public participation civil society can create ownership and mechanisms of monitoring public institutions and thus can demand an accountable public administration. This strategy should look to include the civil society and private sector institutions as stakeholders in the process of prevention and enforcement, to secure public support, for implementing the measures against corruption. These sectors can provide sustainability as they are not bound by the elections cycle term (Center for the Study of Democracy 2003). Mechanisms for ensuring public participation include: social mobilization through citizen oversight committees, providing information to the citizens, and training of stakeholders. Disclosure of information that the corrupt system would prefer to maintain hidden can help to weaken corrupt institutions.

In a corrupt environment, decentralization of the public administration can contribute to decentralizing corruption. Considering this, only when clear norms and regulations are implemented and adaptation capacities and public participation are enhanced should a decentralization process be considered. Otherwise public faith in democratic structures will continue to erode and the search for other populist alternatives will be enhanced. The conspicuous failure of Venezuela's traditional political elites in this area and the subsequent rise to power of Hugo Chávez provides a graphic illustration of the impact of generalized corruption on democratic institutions and practices.

Notes

1 Plato (1977), cited by Licht et al. (2004).
2 At the beginning of 2008, independents reports showed an efficient performance of Preval government with the assistance of the DEA in interdicting drug trafficking from Venezuela and Colombia.
3 "Six Questions on the Cost of Corruption with World Bank Institute Global Governance Director Daniel Kaufmann," http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20190295~menuPK:34457~pagePK:34370~piPK:34424~theSitePK:4607,00.html.
4 Foreign direct investment has demonstrated a sensitive reaction to the presence of corruption within the public sectors in developing countries, and corruption also

affects the trade structure of exporting countries. The fall of the Colorado Party in Paraguay after sixty-one years in power is a further example of how generalized corruption can affect the credibility of traditional parties. The alternation was largely due to corruption of the elites of government, led by Nicanor Duarte Frutos.

5 Corruption deters investment by increasing financial risk while reducing economic and political incentives for investment, and countries with higher levels of FDI per GDP tend to have lower levels of corruption.

6 In Spanish, bribe is known as "mordida" in Mexico, and "coima," "cometa," or "peaje" in many South American countries.

7 Despite this denunciation the General Prosecutor never opened an investigation.

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19 The US Role in Democratization

Coping with Episodic Embraces

Gene E. Bigler

> An embrace for the democrat, a handshake for the dictator.
> President John F. Kennedy (McClintock and Vallas 2003, 1)

Introduction: Some Lessons from Panama and Peru

Before it became the world's only superpower, the United States exercised overwhelming power in Latin America for almost a century. So if the US hasn't succeeded already in democratizing the countries of the region, one might logically think that it must be because that hasn't been the true objective.[1] Consider the display of US influence in the case of junior officer Richard O. Marsh who became the secretary of the US mission to Panama in 1909 at the age of twenty-seven (Howe 1998, 71–81).

Marsh used family political connections to secure his appointment despite a lackluster record as a student at MIT and as a vagabond journalist. A few months after he reached the isthmus the American minister sickened and returned to the States. The self-assured, well-connected young diplomat took it upon himself to protect US interests during the young Republic's second succession crisis.

The first crisis had occurred in 1908 when the first President and father of independence, Manuel Amador Guerrero, tried to install his Conservative protégé, Ricardo Arias, as his successor. Concerned with the turmoil such an undemocratic succession would provoke, President Theodore Roosevelt dispatched Secretary of War William Howard Taft to make sure that the respected elder statesman, José Domingo de Obaldia, would in fact become the second president as everyone had expected.

In 1910 de Obaldia died unexpectedly and First Vice President Carlos Antonio Mendoza became Acting President. A short time later, when Mendoza announced his desire to have the Assembly elect him to complete de Obaldia's term, he started what Marsh regarded as a new succession crisis because Marsh considered him, as a "Negro" and Liberal Party leader, unfit to govern and to provide the stability the US regarded as essential while completing the work on the Canal.

To protect these US interests, Marsh publicly rejected Mendoza and started a campaign to have a prominent Panamanian friend, Samuel Lewis, elected in

his place. By that time President of the United States, Taft had decided that his 1908 intervention was ill-considered if Panama was going to learn to run its own affairs. In today's parlance, Taft decided that he didn't want Marsh to exercise "transformational diplomacy," so he instructed the Department of State to order young Marsh, the sole US diplomat in Panama, to have no more involvement in the election.[2]

In the intimacy of Panamanian politics, with barely 3500 voters deciding matters for a scattered, largely rural population of four hundred thousand, Marsh evidently believed that he knew better than his bosses, so he persisted. When the turmoil he aroused came to the attention of chief canal builder Colonel G. W. Goethals, who just wanted to concentrate on construction, the latter sent word to Taft, and the President prompted the Department to replace Marsh. Alerted that his successor was on the way, Marsh made one last foray by getting Panama City's only newspaper to publish his warning that the United States would annex the country if the people persisted in the folly of electing a Negro.

A short time later, Taft finally seemed to get his way. Marsh left and the US role in Panamanian politics declined temporarily, even if the idea of abstaining from intervention did not really catch on until 1928 when the Clark Memorandum formalized the policy.[3] Nevertheless, Marsh got his way. The junior diplomat's threatening message, the experience of the harsh reality of US racial discrimination in canal construction, and the tension mobilized by Marsh prompted Mendoza to withdraw his candidacy. The Assembly then elected another Conservative, Pablo Arosemena Alba, as President to complete de Obaldia's term.

Marsh actually had a more transformational impact than he sought, even if Samuel Lewis was not elected president. The new chain of events Marsh unleashed, especially in the Liberal Party, gradually helped set the stage for the development of Panamanian nationalism in reaction to the ubiquity of American interventions (and the sense of injustice in treaty relations over the canal) in national life. Indeed, nationalism emerged as the bell-weather of Panamanian politics and remains so to the present time (Salamin Cárdenas 2005). The Marsh episode also confirmed to Panamanians that the policy concerns and the attention of the US to their political affairs, particularly by the President, were episodic, only tangentially democratic, and susceptible to being manipulated by them.

Among those politicians who learned these lessons most clearly was Colonel José Antonio Remón, who used his position as Chief of the National Police (PNP) to dominate politics in the late 1940s and eventually have himself elected President in 1952 (Pippin 1964). Having worked closely with the US during World War II, Remón recognized the overwhelming US concern for security as dozens of military installations were created on the isthmus, US forces there grew to over 75,000 (almost 10 per cent of the country's population) and the US insisted on rounding up and interning thousands of Panamanian immigrants from the Axis countries. After the war ended, he fairly rapidly turned the attention of his police to the new menace of Communism.[4]

Remón positioned himself ably as the loyal ally of the US both during World War II and especially in the forefront of the effort to stem the spread of the Red menace into Latin America. When the US organized Point IV as an economic program to aid Latin America's postwar recovery and to develop vital new infrastructure projects in 1948, Remón soon recognized it as a potential source of funds to build up the PNP. And with such strong ties to the US, he met little resistance from the State Department as he orchestrated three rounds of "musical chairs rotations" of Panama's presidency and then ended the game by putting himself in the office in 1952, providing the stability the US wanted (Conniff 2001, 105–9).

Once in control of the Presidency, Remón was in a position to manipulate the US relationship with his country. It was about the same time that the CIA got involved in the much better known story of their behind-the-scenes intervention in Guatemala (Schlesinger and Kinzer 1999). By 1953 Remón had grown so influential with the US that he could overcome the strong opposition of the Point IV Director in Panama, Jack Vaughn, and other senior US officials, a far more powerful cast of characters than was Marsh in 1910, to divert development funds to security programs.[5] The new money enabled him to militarize his police, creating the National Guard, ostensibly in order to fight communism.[6]

Of course, a later Director of Panama's National Guard, Colonel Manuel Antonio Noriega, was arguably the most successful of all Panamanian leaders in manipulating the interests and episodic attention of the US to his country. As a young policeman he got on the payroll of the CIA to fight communism. As he rose through the ranks to head intelligence and then the Guard itself, he kept those ties, along with a steadily rising income from the Agency, and then formed new political and military connections with the US to insure the flow of arms to anti-Communist forces in Central America.

In the mid-1980s as Panama's strongman, Noriega was able to duplicate almost the same type of revolving-door control over the presidency that Remón had used earlier. However, in the earlier era, the US largely ignored the changes. Under Noriega, the manipulation of the country's presidency went on despite the increasing effort of US ambassadors, assistant secretaries of state and special envoys to return the country to the path of democratization (Scranton 1991). By 1989, Noriega obliged the US to invade the country to enable the properly elected civilian authorities to assume power. The US priority goals were actually the protection of American citizens and the Canal, but in the process the door was opened for the restoration of what has become an increasingly vibrant democracy.[7]

Notwithstanding the goal of promoting "transformational diplomacy" as advanced by Secretary of State Rice, a junior officer in the US mission in Panama today could only dream of having any of the influence Marsh achieved in his time.[8] While attending the endless visa lines that may introduce them to as many Panamanians each week as there were voters in 1910, current junior officers may only get to shake hands with the President when they serve as bag carriers

for a rare high-level visit. Yet the expectations remain that US diplomats, as the personnel of the hegemonic power that the US certainly remains, will reflect the values and advance the policies of the US and have nearly the same potential to influence relations with Latin American countries today.

Panama is not alone in this regard. As Cynthia McClintock and Fabian Vallas note in studying US–Peruvian relations in the 1990s, the people of Peru regarded American ambassadors as the second most influential foreigner, following only then Federal Reserve Board Chairman Alan Greenspan, in the affairs of their country (McClintock and Vallas 2003, 47). Elsewhere, McClintock and Vallas opine that US officials "made policy toward Peru with insufficient thought and analysis," "tended to adopt the interpretation of events advanced by Peru's authoritarian leadership," and so were major protagonists of a sad story of missed opportunity to uphold democratic principles and reverse the authoritarian course that Fujimori had set for the country (McClintock and Vallas 2003, 159).

Since the role of the diplomats themselves can play such a prominent part in US relations with Latin America, this chapter will take an unusually personal perspective. It will draw partially on insights from the author's experience as a Latin American specialist first in the United States Information Agency (USIA) Office of Research and later as a diplomat in the US missions in Lima, Havana, and Panama and other assignments in both USIA and the Department of State. The perspective of scholar/diplomat has prompted the formulation of three hypotheses intended to explain why the US role in democratization tends to be much less decisive than might be expected.

As the contrast between the Marsh episode in Panama at the beginning of the last century and that of US–Peruvian relations at the end of the century is meant to imply, the context of the interrelationships changes dramatically and nearly constantly. The potential for and the nature of the influence that may be wielded is powerfully shaped by this evolution of context, but the degree of change is often neglected, especially in narratives that span lengthy periods or compare national experiences.

A single diplomat in Panama could exert enormous influence in bilateral relations in that tiny recently independent nation a hundred years ago. In the 1940s and 1950s, the tens of thousands of American personnel and their families still overwhelmingly influenced daily affairs in a still largely rural setting of less than a million people. Today, the hundred or so official Americans in the still imploding US mission to Panama cannot exert even a fraction of the influence over the affairs of the dynamic, globally involved society of three million people that Panama has become. By virtue of its maritime involvement through both the Canal and as the registry of by far the largest share of the world's shipping, Panama actually formally outranks the US in the International Maritime Organization.[9]

The lessons from Panama and Peru provide the backdrop for three hypotheses about the post-Cold War US role in democratization that are derived from my perspective as a scholar/diplomat.

Complicating Democratic Cooperation

1. Unrealistic expectations about US power overshadow the decline of US ability to promote democracy and understate Latin America's growing autonomy.

Former US Ambassador to Peru Dennis Jett characterizes perhaps the most frequent reaction of practitioners to academic critics of US foreign policy performance in his review of Professor David Scott Palmer's 2006 book on Clinton Administration foreign policy. Jett recognizes that Palmer "has no ideological axes to grind, but his disappointment with the policy appears to reflect some unrealistic expectations . . . the end of the Cold War presented an opportunity, but it [the Clinton Administration] failed to take advantage of the opening" (Jett 2007, 65).

Jett goes on to point out that Palmer's study acknowledges accomplishments of the Administration, including ratification of the North American Free Trade Agreement (NAFTA), initiation of the Summit of the Americas process, successful management of the Mexican peso crisis and a contribution to the peace agreement between Ecuador and Peru. The problem in Jett's opinion is that Palmer's "yardstick" is the entire action plan set up at the 1994 Summit of the Americas. And since the plan included such grandiose items as strengthening democracy and eradicating poverty, Jett simply lampooned the idea of such an ambitious metric by adding parenthetically that "the heads of state apparently forgot to include a cure for cancer and world peace" (Jett 2007, 65).

Probably even more bothersome to Jett is the way Palmer analyzes Clinton Administration treatment of the Fujimori regime, at least in part because Jett served as ambassador to Peru from 1996 to 1999. Jett summarizes what is apparently the most important cause of his frustration: "It is unclear what he [Palmer] thinks the U.S. could have done in the face of the Peruvian president's determination to stay in power, short of invading the country" (Jett 2007, 65).

In fairness to Palmer, he cogently assesses specific shortcomings of Clinton Administration policy, including failures to further advance free trade, the deterioration of democracy in Colombia, and the stalemate over Cuba. Additionally, he also certainly had other detailed evaluations of US shortcomings in Peru and other countries in mind in expressing his disappointment (Palmer 2006, 22–42). For instance, his multiple references to McClintock and Vallas suggest he was probably thinking about their commentaries on actions that the US could have taken to raise the priority of protection of human rights and democratic practices and values. They point out specific measures, ranging from the refusal of the American ambassador to attend Fujimori's third inauguration to more general policies, such as keeping distance from the President's sinister security chief, Vladimiro Montesinos (McClintock and Vallas 2003, 133–60). Palmer also both elaborates and decries the reduction of the diplomatic and foreign assistance resources that Ambassador Jett and his contemporaries have had at hand to influence events in the region (Palmer 2006, 93–4).

The missing link in the analysis, and the inspiration for Jett's concern, may be the relationship between the declining resources for influence and the

increasing complexity, autonomy, and, in some cases, such as Mexico, the democratic advances in Latin American countries and their polities (Preston and Dillon 2004, 461–501). Clearly, the administrative and political capacity of Latin American states has grown tremendously at the same time that the increasing interrelationship of other countries in the region has grown, as well.[10] Palmer does a far better job than general texts on US–Latin American relations to point out both of these tendencies but devotes little attention to their interplay. Of course, that intersection is where diplomats live, and they would tell you that they are increasingly less able to accomplish much.[11]

The problem of dealing with the role of Fujimori's national security chief Vladimir Montesinos and the undermining of democracy in Peru is illustrative of a problem that harkens back to such cases as that of Remón (and Noriega later) in Panama but that has actually grown in scope for US diplomats today. That is, the ratio of the Department of State's resources that the Ambassador controls directly has shrunken greatly in comparison to those in his mission that are controlled relatively autonomously by other agencies, especially the CIA, Department of Defense, Drug Enforcement Administration, and increasingly the Department of Homeland Security.

Notwithstanding an ambassador's chief of mission authority over other agencies, both their resources and the relative specificity of their missions create a real span of control problem that tends to result in increasing their influence over bilateral relations in general, and their development of special relationships and specific interlocutors, such as Montesinos. Of course, the situation gets further complicated because of the expanded resources on the other side, as well. Thus Montesinos was able to command action on the Peruvian side for meeting the objectives of the US agencies in combating the Shining Path and drug trafficking that made him the same type of indispensable counterpart that the US agencies evidently believed they needed.[12]

Another dimension of this problem of changing resource ratios relates to the difficulty that US missions have in keeping pace with the ability of Latin American states to influence public opinion in comparison with Latin American leaders, especially contemporary populists, such as Fujimori or Chávez. Marsh clearly commanded the bully pulpit a century ago and got the headlines he wanted just because he represented the US, and, as recently as twenty-five to thirty years ago, US ambassadors had public affairs staffs and media resources larger and more professional than those of many Latin American presidents.

Just the resources lost by the decline and eventual demise of the United States Information Service (USIS) demonstrate how much has changed. At one time, it provided training in journalism to entire generations of reporters and media managers; it distributed volumes of low-cost or no-cost programming to fill out the program agendas of radio and TV broadcasters; it managed networks of personal contacts that extended broadly across the ranks of opinion leaders in politics, business, and the intelligentsia; its work was complemented by large staffs of skilled local employees that weekly attracted thousands of local citizens, and in many cases tens of thousands, into bi-national centers and libraries in the

major cities and regional centers of the region for English classes, cultural programs, up-to-date information, and access to a direct channel to the US.[13]

Today, the scope and resources of the US public diplomacy operations overseas have shrunk almost as dramatically as the local media, cultural, and public affairs communities have grown and is widely considered one of the great deficiencies of twenty-first-century US foreign policy.[14] Many believe the same is true of US foreign assistance.[15] Today, the United States Agency for International Development (USAID) employs only about eight hundred officers for worldwide service, compared to over five thousand in the 1970s. It has been closed down in several countries that have achieved, at least temporarily, higher levels of economic development, including Venezuela, Uruguay, Chile, Brazil, and Argentina and scaled back to skeleton staffs in others. Yet, since the 1980s, USAID has been the principal vehicle for orchestrating US government support for democracy in the region, precisely as its disintegration began in Venezuela, as will be noted below.

Even with the doubling of the size of USAID's field staff, an increase of about 350 officers over the next three years, as the Secretary of State's Advisory Committee on Transformational Diplomacy recommends, the US diplomatic presence will be by no means adequate to the task (Public Diplomacy Council 2008, 4).[16] The point is that in the complex, populous, and politically and economically fragmented societies of today's Latin America, how will it help to have another USAID worker or two when the staffs of the Embassy's Political, Economic and Public Affairs Sections, with twice or three times the personnel of today, were already struggling to keep up with their tasks in the simpler societies a quarter of a century ago?

Recent calls for revitalizing America's foreign policy capacity, such as the CSIS Smart Power project which will be discussed further below, emphasize complex tasks like democratization that are impaired by the decline of US diplomatic resources, especially those needed for America to exercise soft power. However, a focus only on the changes on the US side and only over the last twenty years, as in the Smart Power Report, actually neglects the degree of change and autonomy that has developed within the countries of Latin America and that is fostered by new global relationships.

Nowhere is this consideration more apparent than in the United States General Accounting Office (GAO) findings about recent US experience in promoting democracy in Guatemala, El Salvador, Nicaragua, Colombia, Bolivia, and Peru between 1992 and 2002. The GAO report characterizes the impact on democratic development, specifically promotion of rule of law, governance, human rights, and elections, as "modest." In these cases, the problem was clearly not due to insufficient resources since USAID and the Department of Justice and other agencies spent nearly $600 million. Rather, the GAO attributes the result mainly to host governments not sustaining the needed reforms. In other words, they chose not to and the US lacked the soft power to influence their choices (US GAO 2003).

Militarization Plagues the US Effort

2. The US hard power approach (or "militarization of policy") to advance security interests in Latin America may constrain or contradict US support for democratization and increases the episodic nature of the involvement.

President George W. Bush surprised the world and other close allies, especially Canada and the United Kingdom, when he made his first foreign trip as President to Mexico. As the former Governor of Texas, he was credited for looking beyond traditional alliances and recognizing the importance of the immigration issue and the potential value of the Free Trade Agreement of the Americas for both countries. And given the historic opening of the Mexican democracy after over seventy years of one-party rule, his action was widely welcomed as potentially helpful for the consolidation of democracy there.

Then after the September 11 attacks just eight months later, the sudden shift in President Bush's and the entire US government's attention away from Latin America starkly illustrated both the episodic nature of US attention and the importance of the role of the US hard power approach to security in the vision of US strategic interests. That is, the primary US response to the suddenly escalated threat of terrorism centered on the use of military force and other coercive measures.[17]

The strategic planning process in US embassies immediately reflected the change. In 2000, the missions in Latin America had emphasized a wide array of issues in these strategic plans owing to remarkable differences in bilateral interests. The end of the Cold War had largely liberated the region from the uniformity of focus on threats to the US. The country priorities, action agendas, and resource commitments in individual country plans spread across twenty-five diverse policy areas, such as economic development, narcotics trafficking, protection of human rights, democratic development, US citizen interests, trade cooperation, environmental protection, and so on.

The following year, starting just weeks after the 9/11 attacks, the Global War on Terrorism (GWOT) became the instant priority for every mission. The planning process everywhere suddenly focused on potential terrorist connections, support or financing networks, or the vulnerability of facilities and infrastructure of strategic interest. Arguments about maintaining the priority even of law enforcement and military programs that focused on other objectives as a means for also addressing the threat of terrorism were brushed aside. Embassies began to face increasingly dour prospects for maintaining budgetary and financial support unless they could uncover links to Al Qaeda or at least financial connections. By 2003 the Department's performance planning exercise was limited to just four or five strategic objectives (versus twenty the year before) for each country, almost always including GWOT as the first or second priority, and every plan looked nearly the same despite the region's great diversity.[18]

Latin America initially responded with deep sympathy and strong support for US concerns about terrorism. Secretary of State Colin Powell was attending a meeting of Latin American foreign ministers in Lima at the time of the attacks

and was sent off with a unanimous pledge of support. True to their word, in June, 2002, the members of the Organization of American States signed the Inter-American Convention against Terrorism, and Powell welcomed it as the first new treaty to provide support for the US in combating terrorism.

In Panama, the government and new Canal authorities issued an unprecedented invitation for the US and other countries to participate in developing and exercising joint plans for protection of vital infrastructure against a potential terrorist attack. In country after country cooperation leaped ahead for tracking financial connections, for sharing intelligence, and for tracing the ties of terrorist groups in the region or likely supporters to the Middle East or other terrorist networks. However, the connections from Latin America to terrorists outside the region, especially in the Middle East, remained highly tenuous, and, in 2006, the State Department finally and reluctantly acknowledged that there were no known operational cells of Islamic terrorists in the region (Sullivan 2007).

The apparent cooperation with the US, however, masked the implications of GWOT for relations with Latin America for some time. In the Fall of 2002, the US pressed Mexico and Chile, as regional representatives in the UN Security Council, to support the US effort for authorization of the use of force against Iraq (and implicitly for its new doctrine of pre-emptive use of force against potential terrorist threats). But because of their long opposition to such policies, both countries refused to support the US-sponsored resolutions. Then in 2003, when El Salvador was the only country in the region to contribute significantly to the Coalition of the Willing and the invasion of Iraq, administration interest in Latin America seemed to evaporate. Joseph Tulchin pointed out the asymmetry in US and Latin American approaches to GWOT and noted that "if a country or the region does not support GWOT, it is ignored" (Tulchin 2005).

Support for the Bush administration's approach to GWOT was the leading hard power issue; however, the way the US treated the approach of other countries, particularly in Latin America, to the potential jurisdiction of the International Criminal Court (ICC) to US armed forces is closely related. In 2002, Congress passed the American Service Members Protection Act, which requires countries either to reject the ICC altogether or to sign a bilateral immunity grant, called an Article 98 agreement, in order to remain eligible for most US military assistance.

The sudden imposition of this requirement in Latin America, including countries with long histories of cooperation, altered the conditions for working with the US at all, and twelve have since lost some bilateral assistance. This concern with the application of the ICC illustrates the Bush emphasis on the potential wielding of hard power and helps show how the Bush Administration approach to security issues differed from the traditional American Cold War-style emphasis on security and stability.[19]

Latin America's soft power support in alliance relations and preventive measures and strongly supportive public opinion did not seem to matter either. President Bush simply appeared to write off the region, especially Mexico, for the rest of his first term (Johnson 2003).[20]

In his second term, President Bush began gradually to re-engage, and optimism grew over the potential for cooperation. A few countries were included in the slowly emerging but significant development aid programs of the Millennium Challenge Corporation (MCC) and the door opened for others. Negotiation of the Central American and Dominican Republic Free Trade Agreement (CAFTA-DR) was rapidly completed and approved by Congress. Individual free trade agreements with Colombia, Panama, and Peru were concluded and steadily defended in Congress. A new Assistant Secretary of State for Western Hemisphere Affairs, Thomas Shannon, a Foreign Service professional with a strong academic background in the region (in contrast to his predecessor, a former aide to ultra-conservative Senator Jesse Helms), was put in charge of regional diplomatic relations, and President Bush made social policy the center-piece of his five-country trip to the region in 2007.

Yet despite the changes, US resources for the region continued to decline until another security issue and the potential for more hard power responsiveness finally made Latin America worthy for more. The stage was set only after the election of a new President in Mexico in 2006 whose efforts to combat organized crime led to violence spilling across the border. After Mexico openly called for US assistance, as Colombia had a decade earlier, President Bush responded with the most important new program of his administration for the region. The new Mérida Plan offers increased US law enforcement action, institutional support, training, technical assistance, and equipment for the drug fight in Mexico and Central America (Negroponte 2007).

Not surprisingly, the hard power policy approach to the security concerns raised by drug trafficking and potential terrorism in Latin America has remained basically the same since the Andean Plan was first developed in the late 1980s. The overwhelming focus of the use of resources remains on interdiction of the flow and production of drugs. In 2005, the US also opened an International Law Enforcement Academy under the auspices of the Department of Homeland Security in El Salvador.[21] Soft power measures, such as demand reduction and alternative crop development, still command the minor part of the resources. Yet the results of twenty years of effort are clear. The repressive emphasis of the policy has not ameliorated the drug problem for the US, and many experts believe that despite the constant proclamation of the intention of the US to support democracy, the practice has actually had a dismal impact on democratic development in the region (Youngers 2005, 339–83). Of course, the recent progress in Colombia under President Alvaro Uribe may constitute a major exception (DeShazo 2007).

The wielding of hard power against drugs typically involves militarizing US relations with our partners, and, as the effort has grown and prolonged, the concern for wider militarization of our relations has also grown, especially among Latin Americanists (Isacson 2001).[22] The Mérida Plan now builds on the Andean Initiative and Plan Colombia, and the trend in the increasing relative weight of the US defense role in the official US presence in Latin America will rise further. The overlapping of the counter-narcotics and counter-terrorism

efforts and the overall militarization of the US approach to these threats raises concern for their impact on democracy. A widely shared view among policy specialists both inside government and out is that anti-terrorist initiatives have the strong potential for undermining the stated policy goals of democratizing civil–military relations in the region.

Secretary of Defense Robert Gates recently called upon Congress to provide greater resources for diplomacy and development assistance, but the footprint of the Department of Defense (and US law enforcement and Homeland Security agencies) already far outstrips and overshadows America's diplomatic presence overseas, even if a little less in Latin America than elsewhere (Donnelly 2007).[23] By 2000, the value of US security assistance to Latin America surpassed economic development aid, and the face of US humanitarian assistance for Latin American, once civilian food programs, has also become overwhelmingly military. Today, US bases and military presence (and law enforcement) expand while civilian, non-military and non-law-enforcement personnel, which in the 1960s and 1970s dwarfed the number of military in the region, continue to decline. Ironically, during the Cold War, Cuban, Soviet, and Chinese uniforms were commonplace in developing countries, but today the people wearing uniforms are much more often Americans.

The issue is not that Latin Americans are not happy to receive health services from New Horizons teams, visits by military hospital ships, and humanitarian relief from aircraft carriers. Rather it is that these are the official Americans that most Latin Americans now meet (Kraul 2007). Even if our soldiers wear fatigues and carry only stethoscopes, the idea is way off base that they will convince Latin Americans that the US assistance is more beneficial and less threatening than the hundreds of Cuban health personnel who live in their communities and play dominoes with them during their free time. A majority of the people in Panama also wanted to keep American bases there in 1999. Yet closing the bases and ending the intense opposition of a minority actually opened the door to a higher level of bilateral cooperation. It removed what Jorge Castaneda, referring to the Mexican case, calls "obstinate nationalism."

Missing the Point

3. The US focus on the quality of the bilateral relationship may obscure attention to and the development of its capacity to address the vulnerabilities of Latin America's democracies.

This hypothesis is inspired largely by the author's long relationship with and personal interpretation of the US role in the unraveling of democracy in Venezuela.[24] Despite the relatively high quality of diplomats who served as US ambassadors to Venezuela since the 1970s, four successive US administrations seem to have been startlingly oblivious to the unraveling of democracy in one of our most strategic partners in the hemisphere. By the time Hugo Chávez launched his first coup attempt in 1992, it may have already been too late to mount the big increase in support for democracy-building efforts there that

didn't get really intense until he was actually on the verge of being elected president in the late 1990s.

This isn't a question of "who lost China." Rather it is an effort to understand why our diplomats didn't and still aren't paying much attention to the impact on democracy from the rising menace of criminality (personal insecurity) and the deterioration of the quality of life and other vulnerabilities of democracies that Professors Millett and Holmes address elsewhere in this volume.

The US ambassadors who served in Venezuela since the mid-1970s were certainly aware of and concerned about the working of Venezuela's democracy, and several provided important specific supports.[25] However, since Venezuela was viewed as a relatively consolidated democracy, most US diplomats centered their attention on the specifics of the bilateral relationship and Venezuelan involvement in regional political issues and global energy politics. And for the most part, relations with Venezuela went fairly well for both countries.

Additionally, since Venezuela had already achieved a relatively high level of economic development by the early 1970s, the operations of the US Agency for International Development (USAID) were shut down there. Thus, as noted above, the specific agency that began to be charged with vigilance for and support of democracy building starting in the 1980s was absent in Venezuela as the deterioration of democracy accelerated during that decade. The National Endowment for Democracy (NED) finally established a presence in Venezuela in 1993, but by that time the size and perhaps even the sophistication of the embassy staff and the public diplomacy program and the resources they might have provided the ambassadors of the period had already declined greatly. So even though it was very clear that Venezuela was not developing the institutions of civil society that are expected to underpin democracy, the more important question to US policy-makers seemed to be: Why should the US devote American resources to support democracy in Venezuela when the country was so relatively well off, US commercial and private connections were so ubiquitous and US military and law enforcement contacts were increasing?

Natural as the inattention of the US policy focus to the health of democracy in Venezuela may have been, it does not reflect the vigilance that is needed if the advancement of democracy is truly important to the United States.[26] As Michael Shifter points out after years of watching closely himself:

> given the asymmetry in power relations that has long characterized—and continues to characterize—the hemisphere, it is hard to see how much progress can be made if the United States does not attach the highest priority to a coherent and sustained strategy aimed at democracy promotion. (Shifter 2003, 7)

The idea is not to place the major burden on the US. Venezuelan scholars and leaders clearly recognized weaknesses in their democracy and made efforts to call the attention of others to its troublesome course (see Gil Yepes 1978; Naim and Piñango 1985). And as the democracy was decomposing, there was a steady

drumbeat of attention to the problems of clientelism and corruption, the declining standard of living and quality of life of the majority, and the declining effectiveness of public policy and public administration, except for the highly efficient management of the state-run oil company (Kelly and Palma 2004; Gil Yepes 2004).

In the armed forces, as well, Venezuelan leaders recognized the deterioration of the mechanisms for controlling civil–military relations and specifically called public attention to the corruption issue and its deleterious impact on Venezuela's military. In recounting the story of the first Chávez coup, Burggraaff and Millett note the public warning issued by the retiring Commander of the Army, General Carlos Peñalosa Zambrano, about eight months before the event: "Probably the least surprising aspect of the coup . . . was that its leader cited corruption . . . as a major justification for the rebels' action" (Burggraaff and Millett 1995, 62).

Granted that the United States was not principally responsible for the distressing course of events in Venezuela's political economy, but wouldn't it have made sense for the US to act more vigorously to strengthen Venezuela's democracy? Indeed, in the collection of essays prepared by the Woodrow Wilson International Center for Scholars that was prompted by the two failed coup attempts in 1992, Norman A. Bailey argued specifically that Venezuela was of such great strategic importance to the United States because of its role as a key energy supplier and historic liberal democracy that:

> The forces of economic and political liberalism in Venezuela must be strengthened at all costs and the ties between Venezuela and the United States must also be strengthened in all areas, but especially in the fields of economic integration of the hemisphere and assistance to the democratic forces in the region. (Bailey 1995, 387–8)

The United States did, as noted earlier, send some very good ambassadors to Venezuela in the 1990s—Michael Skol (1990–93), Jeffrey Davidov (1993–96), and John Maisto (1997–2000)—but that seems to be the most important thing it did. At the same time the staff and resources of the US embassy in Caracas were drawn down seriously, though this was about on a par with the trend in the rest of the hemisphere. One of the remarkable things about the Kelly and Romero account of bilateral relations during the period is the scarcity of information about any policy impact of General Peñalosa's dramatic warning, or any democratization programs prompted by the 1992 coup attempts, or political support measures in reaction to the steady unraveling of democracy (Bailey 1995).[27]

The fact that the US did not do more to counter Venezuela's unraveling of democracy seems in large part to have been because of the relatively harmonious bilateral relationship and the relatively narrow and short-term focus on specific US interests, especially the reliable flow of oil, the balanced treatment of US investors, and the safety of US citizens. Whether the US could have done more and what it should have done raises important issues. We need to inquire

whether the US should be as concerned with preventing the unraveling of democracy as it is with building and consolidating democracy. Now that Mexico, the Dominican Republic, Peru, Panama, Brazil, and others have achieved about the level of democratic functioning of Venezuela in the 1970s, not to mention the still more mature democracies, shouldn't the US be considering potential actions to stem any serious decline in their democracies?

There is little evidence that the United States has considered this issue, and it is not in the job descriptions of our ambassadors. Their job is to advance American interests while maintaining good relations. Contrary to the concern for democracy in a region with sudden and continuous swings in political tendencies, the US continues to draw down systematically the diplomatic and democracy-supporting resources in all the more stable countries in the region to transfer them to transformational diplomacy tasks somewhere else, repeating the pattern in Venezuela. How strange US inattentiveness to democracy during the 1980s must have seemed to a Latin American military leader, like General Peñalosa. After all, he had learned about *The Power of the Democratic Idea* in a civil–military education campaign sponsored by the United States to foster the development of democracy when he was a junior officer in the early 1960s. After he publicly called attention before the first Chávez coup attempt to the threat to the democracy that he had seen the US nurture, the lack of US action afterwards must have been surprising.[28]

Besides the work of USAID in support of democracy that was mentioned earlier, the US did create the National Endowment for Democracy (NED) in 1983 and its affiliate institutions, particularly the National Democratic Institute (NDI) and the International Republican Institute (IRI), to foster democratic institutions, values, and practices especially in Central America at first. As noted, the NED probably arrived too late in Venezuela to reverse the tendency that had already started there.

In a number of cases, especially the development of alternability in Mexican elections, the protection of democracy in Paraguay in the 1990s and institutionalization of democracy in Panama after Operation Just Cause, NED and private sector partners, such as IFES and the Carter Center, have been especially important in the development of their democracies. However, to the extent that the NED family has focused its resources on a narrow US perspective in its programs in the region, such as the support of anti-Chávez groups in Venezuela, anti-Morales parties in Bolivia, and Republican foreign policy initiatives on Cuba, it has tended to arouse suspicion that the real intent of policy is the advancement of US interests, rather than the promotion of democracy.[29]

The great vulnerabilities of Latin American democracies today are exacerbated by the inadequate functioning and lack of independence in the judiciary, the rising crime rate and citizen insecurity, and the deepening inequality and deterioration of quality of life for major sectors of society. To what extent are US embassies today willing and/or able to take important actions in these spheres, for instance, to pressure presidents to appoint honest judges, to finance crime prevention rather than law enforcement, or to increase economic aid to

address inequality? Unfortunately, none of these actions would win many points from a Washington concerned largely with advancing short-range US interests and maintaining harmonious bilateral relations.

Conclusion: Integration Could Help Overcome the Limits on Democratization

The changing contextual conditions in which US relations with Latin America occur and the hypotheses examined here demonstrate factors which seriously limit US contributions to the development of democracy in the region. Notwithstanding the increase in America's relative military power since the end of the Cold War, US influence appears to be declining and may be counter-productive in some places where representational democracy has already moved from fragile to challenged, as in Venezuela and perhaps other countries.[30] Lack of attention, lack of resources, and declining credibility all insure that democratic support will be more rhetorical than actual.

The prospects for the US to change this pattern of relationships do not seem great. Unrealistic expectations about US power remain rooted in historic experience and America's military dominance, while the increasing autonomy of Latin American countries derives from global forces and endogenous factors that the US cannot manipulate easily, if at all. While a future US government might more easily alter the hard power focus of security concerns in reaction to the extreme position of the Bush Administration, the potential for reversing the subordination of democracy promotion to US security concerns would still seem fairly low. Finally, a major change in approach to working with the countries of Latin America would be required to overcome the natural emphasis of evaluating the march of US relations on the basis of short-term US interests.

The best prospect for a change in approach amenable to the US is to take advantage of an alternative existing mechanism for cooperation. The obvious case is the multilateral avenue offered by the Organization of American States. The US already participates actively in the OAS. The Organization has already fostered democratic cooperation, and it automatically offers a means for reassessment of interests that is conducive to those of our partners (Boniface 2007, 57–8). Among the greatest successes of the OAS has been its harmonizing of security interests, as shown by the many security agreements it has already fostered, so it would partially balance the hard power advantage of the US with alternative power preferences of other states (McCoy 2007, 288–9). The success of the OAS in developing the Inter-American Democratic Charter (IADC) also offers a framework that can accommodate the trend in the autonomy of its members and potentially take advantage of whatever power resources each wishes to commit (Hawkins and Shaw 2007, 21–39).

Perhaps most encouraging about the potential of increasing the effectiveness of US support for democracy by channeling it through the OAS is that a good deal of work has already been done with the support of the Carter Center and the Inter-American Dialogue to improve the applicability of the IADC and to

increase support within the OAS.[31] Of course, the OAS is in great need of additional resources to do more for the support of democracy, but the US could double the resources it provides to the OAS, as Ambassador Luigi Einaudi proposes, and still contribute far fewer resources than it would need to increase significantly its bilateral approaches in just two or three middle-sized countries (Einaudi 2008, 2). With additional resources and the implied increase in commitment from the US that would be required for such an increase to occur, the OAS would also achieve the potential for harmonizing US interests with our neighbors in a process that is "inexorably integrating" our Western hemisphere.[32]

Notes

The author has benefited from many mentors in the foreign service but on this subject wishes to acknowledge especially the insightful perspectives of the now also retired diplomats, ambassadors Alexander F. Watson, Anthony A. E. Quainton, Joseph G. Sullivan and Frederick A. Becker, his acting chief of mission for nearly two years in Panama.

1 The Department of State's Bureau of Western Hemisphere Affairs today emphasizes the consolidation of democracy over all other aspects of US relations with Latin America; see "2007: Historic Commitment, Positive Engagement," Washington, DC, January 14, 2008. Most academic accounts conclude that US support for democracy has been mostly rhetorical rather than substantial, although democratization has been a consistently emphasized objective since the Reagan Administration: see Abraham Lowenthal (1991), John D. Martz (1995), Jorge I. Dominguez and Michael Shifter (2003), Peter H. Smith (2005) and Carolyn M. Shaw (2007). Thomas Carothers (2007) goes as far as calling the Bush policy "a democracy crusade myth."

2 In 2005, Secretary of State Condoleezza Rice called for "transformational diplomacy" to advance the goal of supporting democratization; see The Secretary of State's Advisory Committee on Transformational Diplomacy's "Call to Action," http://www.state.gov/documents/organization/9903.pdf.

3 Although US officials did not get directly involved in selections of chief executive in Panama for some years, they did intervene in many other ways, including by imposing a border agreement on Panama that was more favorable to Costa Rica: see Gelos and Araúz (1996, pp. 54–9). The Hoover Administration used the Clark Memorandum to explain the new policy of non-intervention in Latin America.

4 Steven Schwartzberg (2003) contrasts liberals, e.g. Adolf Berle, who promoted democracy, and Cold Warriors, e.g., George Kennan, who emphasized support for stable anti-communist regimes.

5 Jack Vaughn resigned in frustration as USAID director to protest the transfer of economic development funds to security projects (personal communication to the author). In 1964 after the anti-American rioting over the flag incident, President Johnson appointed Vaughn ambassador to Panama to restore cooperation with Panama and begin the process of negotiation that led to the Carter-Torrijos Treaties; see William J. Jorden (1984, 109).

6 Despite his success in manipulating the US, creating the National Guard, and building his personal popularity, Remón was the victim of a gangland-style assassination in 1955; Pippin (1964). Steve Ropp (1982) provides a detailed account of the impact of domestic forces on Panamanian politics, particularly the transformation of the National Guard under Omar Torrijos.

7 A dissenting interpretation is that the US sent mixed and confusing signals and that a tougher and more unified US policy could have obviated the need for the invasion: see Eytan Gilboa (1995–96, 541).

8 The Congressional Research Service presents a skeptical assessment in its report, "Diplomacy for the 21st Century: Transformational Diplomacy." See http://openers.com/document/RL34141/. Significantly, the Department's turn to transformational diplomacy came in the wake of invasions of Afghanistan and Iraq, yet fails to consider the overwhelming historical record of failed nation-building efforts following the use of force; see James L. Payne (2005).

9 In 2003, Panama's role as the leading maritime nation—because of both the Canal and the largest registry of vessels—in the International Maritime Organization was instrumental in getting the IMO to adopt the new International Shipping and Port Security (ISPS) Code for increasing maritime security against terrorist threats; see "Maritime Matters Lead in Mixed Year for Panama," *Lloyd's List* (London), December 30, 2004. Ironically in a contemporary perspective, but to the great frustration of Panama's growing aspirations for an international political role at the time, the US refused to allow Panama even to attend the 1956 conference of major maritime powers on the nationalization of the Suez Canal by Egypt.

10 Inter-American Dialogue forums and reports often accentuate the increasing importance of Canadian, European, Middle Eastern, and Asian involvements in Latin America, while helping debunk simplistic perceptions of rivalry between the US and China. See also Alex Sanchez (2007).

11 Heraldo Muñoz accurately points out the importance of the lowering of the priority that Latin American, especially South American, countries give to US policy, another aspect of the equation of declining US leverage; see Muñoz (2001).

12 Palmer actually cites the emphasis that Peruvian journalist Gustavo Goritti has focused on the Montesinos case (2006, 68). The experience with Montesinos is also remarkably similar to much that the US had with Noriega in Panama: see Scranton (1991).

13 USIS was the overseas component of the United States Information Agency. In 1999, USIA was merged into the Department of State after about twenty years of fairly steady reductions in resources; see Wilson P. Dizard, Jr (2004). A fuller sense of the field operations and the overseas presence of USIA, illustrated by the case of Colombia in the mid-1960s, can be gained from Hans N. Tuch (1990), and Robert Amerson (1995).

14 Over thirty studies have been completed on the decline of US public diplomacy in the last few years; the Public Diplomacy Council (Washington, DC) published a list of thirty-three such documents in March, 2008, "Recent Reports on Public Diplomacy" at www.publicdiplomacycouncil.org. The emphasis here is on the tendency for increasing policy resources for the military and law enforcement at the expense of public and traditional diplomacy, but other factors reinforce the declining ability of the US to wield influence and will be discussed below.

15 On the general decline of funding for US foreign assistance from a peak of 3 per cent of gross national product in 1950 to a historic low of 0.16 per cent in 2005, see Congressional Research Service (2005) and Fernando Zamora (2007).

16 The proposed increase of 350 officers would be a large increase for USAID, but in the US government context in general it is quite small. In 2007, Congress rejected a request for an increase of only 256 diplomatic jobs over several years; see "Smart Power: President's Bid to Rebuild Diplomatic Corps Is On Target But Off Schedule," *Houston Chronicle* editorial, February 5, 2008. In contrast, Congress does not hesitate to expand hard power at every turn. For instance, the Department of Homeland Security announced in April, 2008 that it will add six thousand more Border Patrol officers during the rest of the year: see http://www.armytimes.com/careers/second_careers/military_borderpatrol_070530.

17 The conceptual approach here to hard or coercive power and soft or persuasive/inspirational power generally follows Joseph S. Nye, Jr. (2004) and will later also incorporate the more recently formulated smart power concept, especially as developed under the leadership of Nye and Richard Armitage (2007).
18 This account is based on the author's personal experience in the planning process. The products of much of the planning process are readily available on line: see especially the U.S. Department of State Performance Plans for each fiscal year and the security strategy of the United States, http://www.whitehouse.gov/nsc/nss/2006/nss2006.pdf.
19 Russell Crandall, who served earlier on the National Security Council under the current administrations, identified its insistence on the application of the American Services Members Protection Act as one of the critical errors that undermined hemispheric cooperation in support of democracy and revived anti-Americanism in the region: see Crandall (2005–6, 100–6).
20 After the disastrous Bush Administration performance at the Summit of the Americas Conference in Buenos Aires in November, 2007, the President of the Inter-American Dialogue, Peter Hakim, used the pages of the leading foreign policy journal to raise the question, "Is Washington Losing Latin America" (Hakim 2006).
21 Peter Smith argues reasonably that the prevailing tendency is for the US to give primacy to its own security considerations over the promotion of democracy in Latin America, and, while this is almost inevitably true, I believe that the emphasis on hard over soft power approaches rigidifies and delegitimizes US policy and thus makes any focus on democracy more difficult to achieve (2005, 133, 335–8).
22 Perhaps more ominous is the inclusion of nation building as a new core task of equal importance to defeating adversaries in the recently revised comprehensive operations manual of the US army; see Michael R. Gordon (2008).
23 Gates's recent pronouncements reflect the first evidence of some sensibility within the civilian leadership in the Pentagon to the growing concern for the militarization of US foreign policy that Chalmers Johnson, Andrew Bacevich, Julia Sweig, and others have been raising for some time. See Bigler (2008).
24 The overall and specific aspects of Venezuela's experience have been well told: see especially Louis W. Goodman et al. (1995), Jennifer L. McCoy and David J. Myers (2004), Michael Coppedge (2005), and Janet Kelly and Carlos A. Romero (2002). However, Steve Ellner and Daniel Hellinger, among others, tend to interpret the pattern of change in a different light: see their essays in the volume they edited, Ellner and Hellinger (2003).
25 Ambassador Michael Skol was especially supportive of democracy at the time of Hugo Chávez's coup attempt in 1992 and counted on the vigorous support of Assistant Secretary of State Alexander Watson; see Kelly and Romero (2002, 96–7).
26 The same bureaucratic illogic makes middle-income countries, such as Mexico and Brazil, ineligible for the programs of the Millennium Challenge Corporation even though they have over half the highly impoverished people in the hemisphere, while the eligible low-income countries have only about a tenth of the very poor.
27 Experience suggests to me that the US embassy probably prepared extensive cables about these events and probably argued that Washington should pay closer attention, provide extra staff, and urge the National Endowment for Democracy and its affiliates to get more heavily involved in Venezuela, get USIA to do some more polling on support for democracy and attitudes about the military and support lots of personal initiatives within each ambassador's scope for mission action, but it will be some time before any empirical research can be done on this subject with official documents.
28 Not only did Peñalosa develop his commitment to democracy as a cadet and young officer in such US-sponsored programs but later he participated in the author's

study of civil–military relations for publication in the US. Both experiences would seem to say that the US was watching and should have been interested in helping; see Bigler (1977).

29 William I. Robinson (2006) takes this argument to the extreme by interpreting US action as the promotion of polyarchy, rather than more egalitarian, participatory regimes, http://www.tanbou.com/2006/PromotingPolyarchy.html.

30 Veteran Latin Americanists emphasize the importance of focusing US efforts on countering extreme poverty and inequality, and work through multilateral channels, rather than confronting Chávez and anti-American sentiments to restore America's cooperative relationship with Latin America; see Michael Shifter (2007) and Abraham F. Lowenthal (2007).

31 The Carter Center, the Center for Strategic and International Studies and Inter-American Dialogue have been the most active US NGOs in supporting the work of the OAS to make the Inter-American Democratic Charter more effective.

32 Of course, the rhythm of integration seems to obey a complex Latin syncopation; Einaudi (2008, 4).

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20 Conclusion

Orlando J. Pérez and Jennifer S. Holmes

An enduring reality or an endangered species? That is the question that has framed the discussion of Latin American democracy in this volume. As evidenced by the analysis in the preceding chapters, answering this question is not easy. The best response is perhaps the proverbial, "it depends." The answer varies according to region, institutions, issues, and particular countries. For some citizens in Latin America stable democratic governance is a reality, but for far too many it remains an unattained dream. In this chapter we will endeavor to weave the contributors' arguments and present a cohesive assessment of the state of democratic governance and prospects for stability in contemporary Latin America.

The good news about democracy in Latin America is that all countries, with the notable exception of Cuba, are governed by elected leaders. Competitive elections are now seen as the only legitimate means of selecting those who will lead and represent the citizenry in the halls of power. Elections, of course, are not the sole measure of institutional democracy but they are an important component. In many countries the electoral mechanisms have improved, with significant advancements in the development of independent electoral management institutions and increased popular accountability and transparency. Even in countries, such as Venezuela and Haiti, where the conduct of elections has been questioned, political power has been determined through electoral contests, and in Venezuela the government accepted its defeat in a controversial constitutional referendum in December, 2007. In the past decade most countries have witnessed alternation in power between opposing political parties through the ballot box rather than the barrel of a gun. If we observe the scores from Freedom House we find a significant and overall improvement among Latin American countries. In 2006, among the thirty-five countries in the Americas, thirty-three were classified as electoral democracies. In addition, twenty-four states were rated as Free (69 per cent), nine as Partly Free (26 per cent), and two—Cuba and Haiti—as Not Free (6 per cent).

Another positive indicator is that Latin American citizens express overwhelming support for the idea that democracy is the best form of government despite its many difficulties. The acceptance of the "Churchillian" notion that democracy may have problems but it is the best form of government is essential

to guarantee democratic legitimacy in the midst of economic, social, and political problems. Additionally, substantial majorities in most countries of the region identify democracy with intrinsic and normative values, such as liberty and freedom. The combination of these two factors is important because legitimacy is rooted in the belief by citizens that democracy is better than the alternative regimes. Latin America has historically experimented with many different political and economic regimes: many citizens no longer recall the repression of the military-led governments of the 1960s and 1970s, and thus may easily fall victim to the siren call of authoritarian alternatives, particularly of a populist nature, if they are promised quick solutions to the nation's problems. However, to the extent that citizens are willing to support democracy based on normative values and look beyond immediate problems, democracy will have a stronger footing in the region. Nonetheless, we must point out that, while support for democracy as a system of government is high, satisfaction with the way democracy is working is rather low. Thus there is a dichotomy between the idea of democracy and the actual experience of citizens with the way democratic governments operate. This difference in attitudes is a troubling fact for many countries in Latin America.

Dissatisfaction with the performance of democracies appears to be the cause of this difference in attitudes. Rojas points out the low level of confidence in the institutions. Holmes's chapter on democratic consolidation highlights that only in Argentina and Uruguay do at least 50 per cent express satisfaction with democracy. Why? There is ample evidence of scant progress on key concerns. Corruption scores are troublesome in countries such as Argentina, Bolivia, Ecuador, Guatemala, Honduras, Nicaragua, and Paraguay. In terms of human development, large differentials exist in child mortality among income and indigenous groups, especially in countries like Brazil and Bolivia. Low levels of gender empowerment exist in Paraguay, Brazil, and Bolivia. Millett discusses the growing problem of crime and violence, its undermining of citizen security in the region, and its effect on poverty and the economy.

Indigenous groups still suffer from political discrimination throughout the region. Andersen examines the implications of the new mobilization of indigenous movements and the implications for political stability, long-term political inclusion, and economic development. He asks if these movements will result in irredentalist movements with the ability to tear apart countries along lines of ethnic hatred or if these movements will merely finally integrate the millions of indigenous people who have been excluded since colonization. Bolivia and Peru are essential cases with important implications on how indigenous people mobilize—along ethnic, nationalist lines or in a broad-based manner. Andersen also discusses the tension between ideological mobilization and ethnic mobilization among indigenous people.

Gutiérrez de Piñeres examines contemporary Latin American feminism according to three areas: parity politics, economic empowerment, and freedom from violence. She points out that Latin America has had more female heads of state than the United States; however, challenges remain. Gender quotas for a

more equitable proportion of women candidates have been implemented in many countries and women's movements have been active during democratization periods. Amin Gutiérrez de Piñeres also highlights some of the discriminatory practices and beliefs that harm women in the workplace. Nonetheless, she documents the significant progress made in Latin America by women to achieve educational parity. She also examines the interaction of the well-being of women in general with access to contraception and skilled help in childbirth. Finally, she discusses the general trends of violence against women, rates which remain troublesome especially coupled with the lax enforcement of laws against crimes against women.

On another positive sign, we must point to the resilience of democracy in the face of economic problems. Transitions to democracy in the region occurred in the face of, and perhaps as a result of, economic turmoil. High levels of inflation and the debt crisis marked the "lost decade of the 1980s" but it was precisely that decade that saw the beginning of the region-wide process of democratization. Cohen tracks the relationship between economic growth and democracy in the region, finding no consistent relationship between regime type and growth. Cohen also reminds readers of the importance of not burdening political democracy with all of the expectations of solving persistent economic problems of poverty and inequality. Given growing frustrations of many citizens, his warning that, "in a continent with a very undemocratic history, the uniqueness of the very recent turn toward democracy should be recognized, instead of being underestimated, or burdened by unrestrained ambitions" should be remembered. The adoption of neo-liberal economic policies had mixed results. Inflation has been tamed but inequality has expanded and poverty remains high. Growth rates from 1990–2003 were anemic in Colombia, Ecuador, Honduras, and Nicaragua, but robust in Chile and the Dominican Republic. More recently, countries like Chile, Nicaragua, Panama, and Ecuador received large inflows of FDI, while Argentina, El Salvador, and Guatemala attracted little. Governments in the 1990s and 2000s sought to ameliorate the negative effects of neoliberalism with varying results. While many governments have adopted social and economic policies to reduce poverty and inequality, and the region has seen significant levels of aggregate growth, social problems remain and for many the fruits of increased investment and growth remain elusive. For example, child malnourishment remains stubbornly high in some countries, such as Guatemala. Nonetheless, basic democratic institutions have held and grown. The survival of institutional democracy in the face of economic problems is partly due to the taming of the military.

As we mentioned above, Latin American democracies face some serious challenges. Among the most important is the increasing level of crime. Latin America has the dubious distinction of having the highest rates of crime and violence in the world. Violence in Latin America is five times higher than in most other places in the world.[1] Moreover, according to Gaviria and Pagés, the homicide rates are not only consistently higher in Latin America, but also the differences with the rest of the world are growing larger.[2] Data from the World

Table 20.1 Comparison of homicide rates around the world

Region	*No. of homicides per 100,000 persons (2000)*
Latin America and Caribbean	*27.5*
United States	6.9
Africa	22.2
Europe	1.0
Southeast Asia	5.8
Western Pacific	3.4
World	*8.8*

Source: World Report on Violence and Health (statistical annex), World Health Organization (WHO) (2002). Figures for Europe include only Western European countries.

Health Organization's Report on Violence and Health (Table 20.1) illustrate the gap in homicide rates between Latin America and the rest of the world.

As described by Richard L. Millett in his chapter, organized and transnational criminal networks are a major threat to political stability in the region. Organized crime undermines the legitimacy of governments by challenging the authority of the state to control and manage sectors of the national territory and significant areas of major cities. Criminal networks also increase corruption by using their vast financial wealth to buy policemen, judges, and public officials. Public opinion evidence shown in Chapter 2 of this volume illustrates the extent to which crime undermines public support for democracy. As criminal activity increases and governments are unable to stop it, the public's confidence in government wanes and their susceptibility to authoritarian solutions increases. Moreover, the response to the wave of crime may also undermine democracy as governments are increasingly pushed toward harsher measures, the so-called "*mano dura*" approach, which may satisfy the public's hunger for tough actions, but erodes democratic accountability and civil rights.

The threat of military coups is, for most countries in the region, a thing of the past. The armed forces have accepted a subordinate role to the elected civilian authorities. Reductions in budget and personnel have turned historically dominant institutions into small forces focused almost exclusively on internal development and security issues. Even in the cases when the military has stepped forward to replace extant governments, such as in Ecuador and Bolivia, they have done so by following the established constitutional line of authority. And in the cases where the military retains high levels of authority, such as Guatemala, it does so behind the scenes and recently did nothing to prevent a left-leaning candidate, Alvaro Colom, from becoming president. However, we must point out that military subordination has often been bought at the expense of high levels of institutional autonomy for the armed forces. Diamint and Tedesco examine civil–military relations from a broad perspective, including attention to the formulation of defense policy, control over the police, and *mano dura* policies and their implications for society. They highlight the thin line between military and police force and the resultant militarization of public security. In

many countries, the military dominates defense policy-making and is increasingly involved in internal security matters, which tend to undermine police authority. Additionally, civilian oversight, particularly by the legislature, remains weak and ineffective. Civilian knowledge of and attention to defense matters is woefully inadequate to assure effective control of the armed forces. Too often civilian dominance is exercised exclusively by the president. Ultimately, however, given the history of direct military intervention in the political process of Latin America, and that thirty years ago the region was governed almost exclusively by military officers, the fact that the armed forces have accepted a back seat, albeit within earshot of the driver, must be celebrated as a significant advance.

Governing is a challenge in the region. In the past, presidents were strong and able to impose laws and policies. Now, it is more common to have divided legislatures and presidential rule by decree, as Rojas points out. As a result, there have been at least eleven interrupted presidencies between 1992 and 2007 signaling serious instability, as presidents have not been able to maintain support. Siaveles discusses the prospect for Latin American democracy in light of the historical preference for presidential systems and the system's possible hindrance of stability in the Latin American context dominated by multi-party systems. In the process, he examines the importance of internal institutional dynamics and informal institutions. In addition to instability of governance, corruption concerns remain high. Even countries ranked as less corrupt are not immune: Chilean president Bachelet has had her term marred by corruption scandals. Facetti explores the origins of corruption and efforts to counter corruption in the region, in addition to the relationship of good governance and corruption. Espíndola examines the roles of political parties, in the new context of the increasing influence of non-party actors such as the media, churches, and ethnic movements. He discusses both the traditional role of parties and the new phenomenon of leaders coming from outside of the traditional political elite. Moreover, he outlines how party leadership has changed, reflecting the new influence of forces in civil society not traditionally well represented among party bosses. New leaders struggle with an uncomfortable strategic environment that does not always give them free rein in either choice of policy or implementation.

Rule of law remains tenuous, but is strengthening. As Nagle points out, this progress is partially due to the work of the OAS and changing expectations of citizens. However, she warns that progress will only be secure when both citizens and leaders change from expecting personal favors and instead expect merit-based reward. This is not an easy transition, given the colonial and post-colonial practices that continue to influence contemporary societies. Nagle skillfully outlines the differences between rule of law and rule by law, and the different consequences for the citizens and government in each. She also expresses doubt about the efficacy of quick-fix solutions imported from advanced industrialized societies.

Pitts and Taillant discuss the evolution of the human rights movements in Latin America since the transitions to democracy. They define a new human

rights agenda that has evolved from one focused on extrajudicial executions, torture, and disappearances under the previous military regimes to one that includes attention to economic and social rights, in addition to political rights and freedoms. Now perpetrators can include corporations, non-state groups, and governments. Pressure can be more subtle than outright repression, including the strangulation of media freedoms and information flows. Don Bohning uses both regional trends and cases to further explore issues of media freedom in Latin America, from assassination of journalists to struggles for autonomy under the new populist regimes. Bohning explores the adversarial relationship between government and media and the importance of a free press for consolidated democracy. Additionally, Pitts and Taillant highlight that environmental concerns are now cast as human rights issues, for example, water quality or freedom from chemical and industrial waste. They situate efforts to protect human rights in an increasingly globalized region and buttressed by international organizations such as the OAS, the Inter-American Court, and the UN. They also discuss the precedent set by the United States and other governments in the region in the twentieth century.

The re-emergence of populism as a major political force in the region poses significant challenges to democratic governance. While the reasons for the rise of populism vary, from the disintegration of historical political party systems, the rise of charismatic leaders, the crisis of representation from the collapse of corporate intermediary organizations and deep economic crises stemming from the exhaustion of the neo-liberal model, there are six specific factors that help characterize populist regimes and explain their unique challenge to democracy. First, the existence of an anti-politics lexicon, where rejection of traditional political participation appears as one of the key issues. This discourse finds fertile ground in those societies where political parties and traditional forms of participation are regarded poorly by a large part of the population. Chávez and Fujimori came to power in their respective countries after deep social disillusionment with politicians, who were accused of being inept and corrupt. Second, populism uses the mass media to promote a direct link between leader and people. Regular or traditional forms of mediation between the population and the government are set aside; instead a direct dialogue between the leader and supporters is established via the skillful use of traditional and new media. Television in particular becomes a key tool to carry the message of the leader to the masses and to mobilize supporters. Third, there is a bias toward mobilization rather than participation. Important sectors of the population are required to provide support for the leader's agenda. When in power the discretional use of public resources promotes the support of social groups that become visible in the streets, giving voice to the *caudillo*, as it happened with the "Peronist" masses in Argentina of the 1940s and 1950s or as has happened in contemporary Venezuela with Chávez's "Bolivarian Circles" and multiple mass rallies. Fourth, populists use nationalistic rhetoric and symbols to mobilize popular support. The appeal to nationalistic sentiments is one of the emotional links that populist leaders establish with the people. Hugo Chávez seeks to legitimate himself

through historical references, naming himself the political and ideological descendant of Simón Bolívar. Also populist leaders seek external enemies to rally popular support. Often, these enemies are in the form of transnational corporations, international financial institutions or wealthy industrialized nations, particularly the United States. Moreover, in some cases, such as Venezuela, the enemy can be a neighbor, in this case Colombia, which Chávez perceives as close to the United States and a regional military and economic rival. Fifth, populism employs the notion of the leader as the embodiment of the people. The link is direct and organic. The discourse of the *caudillo* is not that of a statesman in the sense of being one who rules and directs in a democratic fashion; the *caudillo* demands unconditional support, party discipline, the names vary from country to country but the concept remains the same, follow blindly and unconditionally. The populace is exhorted to follow the leader in the achievement of objectives that are not always coherent. It is charisma and the personal qualities of the leader that represent key elements in the construction of a populist regime. Sixth, populism is characterized by a deep mistrust of liberal democratic institutions. Populist leaders seek to dismantle the institutional mechanisms and structures that mediate between the population and the government. In so doing they destroy or undermine what Guillermo O'Donnell calls "horizontal accountability." That is, the network of institutions that provide the checks and balances so necessary for a liberal democracy to operate. Populist leaders seek to construct a version of direct democracy they call "participatory" but which, unfortunately, often degenerates into manipulating popular participation and weakening vital institutions such as the judiciary, legislature, and other independent agencies. In the end, populism weakens the basic institutional structures of representative democracy without building strong and genuine popular democracy either.

The Latin American left is not condemned or constrained to populist movements. Nilsson explores how the left has mobilized in Latin America and how current leftist movements compare to historical leftist movements in the region. He argues against lumping all of the leftists together, instead differentiating them along two lines: deepening democracy and promoting deep socioeconomic reforms. Nilsson finds a radical, populist, and participatory left that can undermine liberal democracy and neo-liberal economic structures in favor of radical populist agendas. Alternatively, he identifies moderate social democrats, who commit to moderate reform within the confines of democratic practices and neo-liberal economics. After exploring historical cases, he highlights the historical path of reactionary responses of economic, political, and external elites against radical leftist mobilizations, casting doubt on the long-term prospects of radical populist movements in Venezuela, Nicaragua, and Bolivia.

Although citizens may be frustrated with the slow and uneven pace of improvement, the international environment is more supportive of democracy than in the past. The geostrategic situation and steps toward regional economic integration have reduced external threats or the possibility of intrastate conflicts.[3] The Organization of American States' Charter of Democracy precludes

recognition of any governments that come to power via extra-constitutional means. The United States hasn't directly intervened to destabilize a democratic Latin American regime since the 1980s in Central America. The last direct intervention was overthrowing Panama's Noriega in 1989. Despite accusations of supporting the coup attempt against Chávez in 2002, US government policy, as exemplified by the Enterprise for the Americas, supports democracy in the region, as pointed out by Ambler H. Moss. The role of the OAS has been strengthened and has matured, allowing the organization to mobilize effective pressure to protect democratic practices, as seen after Fujimori's self-coup in 1992. Moreover, the US now has a broader view of security threats in the region, considering poverty as a threat and democracy as something to support, as opposed to something that was routinely sacrificed for anti-communist authoritarian regimes in the 1950s, 1960s, and 1970s. Additionally, the century of US unilateral control has ended. Multilateral organizations are more influential and other countries and organizations, such as Spain, the European Union, and China, have invested heavily in the region. Rojas points out that US influence is still strong in the northern part of the region, but is less decisive in the south. Furthermore, he stresses that the vast majority of Latin Americans do not support the United States' strategic choices in the war on terror, which added to historical concerns about US imperialism. According to him, the divide among Latin American countries in regard to the Washington Consensus and how to engage globalization is wide and growing. At the same time, Gene Bigler presents a pessimistic view of the ability (or even prioritization) of the United States to support democracy in the region. Despite historical unrealistic expectations of US power, Bigler sees a declining and counterproductive influence of the United States and a continuing subordination of support of democracy to security interests.

Despite heavy pressures, Latin American democracies persist. In the future, these countries will have to depend upon new sources of support. As Bigler points out, the capability of the US to directly support these new democracies has both eroded and become possibly counterproductive, even if the desire to support democracy eclipsed security priorities. New multilateral institutions such as the OAS and emerging regional powers are playing new supporting roles, but the history of these countries will be written by its citizens and leaders, who not only decide how much progress can be expected but will try to deliver improvements that spread to a majority of the country, not just to the capital cities or those already integrated into the political and economic systems. A common theme throughout the book and the region is that of a *falsa promesa* (false promise) that can come from populist promises or simplistic solutions that pledge quick results that may be nothing more than a debilitating illusion. Slow, steady progress is more sustainable than rash attempts, but will democracy be able to withstand growing frustration, impatience, and disillusionment or will countries fall prey to the *falsa promesa* of the future?

Notes

1 See Centro de Investigaciones Económicas Nacionale (CIEN), "Carta Económica" (CIEN, 1998); P. Fajinzylber, D. Lederman, and N. Loayza, *Determinants of Crime Rates in Latin America and the World: Diagnóstico de la violencia en Guatemala* (Guatemala: CIEN, 1999).

2 Alejandro Gaviria and Carmen Pagés, "Patterns of Crime Victimization in Latin America," Inter-American Bank Conference on Economic and Social Progress in Latin America (Washington, DC: 1999).

3 We must add a caveat to this statement related to the Colombia–Ecuador–Venezuela conflict over Colombia's handling of its internal civil conflict and the effects on its neighbors. While an escalation of tensions ensued after Colombia's military incursion into Ecuadorian territory in early 2008, with Venezuela and Ecuador mobilizing military forces to the border area, the fact remains that multilateral mechanisms were used successfully to de-escalate the conflict. While tensions remain, the thought of a full-scale war between the countries remains a remote possibility.

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