Our Democracy in Latin America

(2011)

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Executive Summary

Latin American democracies face three challenges to improve their democratic exercise of power: (1) creating new forms of political participation to counter a crisis in representation; (2) reinforcing the structure of the State as a republic with independent branches of government with mutual oversight and mechanisms for accountability; and (3) modernizing the State to increase its effectiveness and its real political power within the framework of checks and balances. Progress on these three fronts and effective public policies in three critical areas (fiscal reform, social exclusion and citizen security) are essential to the sustainability of democracy in the region. Yet these issues are not being sufficiently discussed in Latin America.

This report takes those issues that emerged through consultations and debate among a broad range of stakeholders in the region's 18 countries, but analyzes them from the perspective of power, democracy and the effect that extreme inequalities –ultimately power asymmetries– have on democracy itself. In our view, democracy requires more than transparent, regular, and fair elections. Instead, democracy is a system to organize power in order to enhance civil, political and social citizenship and to prevent or restrain certain individuals or groups from dominating others. In this framework, democracy exists when power has a democratic *origin* (fair and sovereign elections), is *exercised* in a democratic way (through institutions and according the rule of law), and for the *purpose* of guaranteeing, enforcing, and enhancing citizens' rights in these three basic spheres.

The issue of power will come up through this work in different ways: where it is located, whether it is distributed evenly or concentrated heavily, whether it is vested in democratically chosen bodies, or whether it is exercised from the shadows by "*de facto* powers". The issue of power first appears in Chapter 3 where we discuss the three dimensions of citizenship in Latin America. The first dimension, **political citizenship**, refers to how people access public posts and hold them, how are women and ethnic groups represented in government, what are the government decision-making mechanisms (particularly relationships between the Executive and Legislative branches), and what provisions exist for designing or amending the constitutional framework. The second dimension, **civil citizenship,** describes how much citizens of a country have access to basic freedoms, access to justice, and access to public information. The third dimension, **social citizenship**, refers to social inclusion as seen in access to health, education, and social protection services as well as the magnitude of poverty and inequality.

Power comes up again in Chapter 4, where we discuss basic deficits in Latin American democracies. First, the crisis of representation along with the weakness of electoral options, the chronic removal of key issues from public debate, and the intervention of *the powers that be*, especially through campaign funding, undermines the power structure of modern democracies in Latin America. Second, a weak system of checks and balances among branches of government together with little transparency and accountability of public authorities, on the one hand yields greater opportunities for corruption and causes loss of reputation for politicians and public administration; but on the other hand, reduces the power of citizens over their representatives and undermines democracy. Third, the real power of the State relies in its ability to perform its duties from the most traditional, like holding a monopoly on the (legitimate) use of force, to the most innovative, like the ability to redefine its role and to transform the rights and daily lives of citizens.

From the analysis of power, democracy and inequalities, this report proposes that three public policy areas are of first priority to consolidate democracy: fiscal reform, social exclusion, and citizen security. These topics are examined in the final chapter.

Towards fiscal reform, taxation has a critical role. Taxation is at the same time an instrument to balance economic and political powers, and a mechanism for increasing the State's capacity to build citizenship. Far from being an accounting or economic matter to be handled by experts, taxation is essential to sustaining democracy: building fiscal and tax capacities, fighting tax evasion, and designing a more progressive tax structure are at the core of a democratic agenda.

Despite progress in many areas, Latin America continues to be the most unequal region in the world, thus social policies are also a priority for the democratic agenda. It is true that progressive social policy is not sustainable without a new fiscal system, but key for strengthening democracy are social policies that are effective in reducing social exclusion and inequalities. Our analyses show that progressive social policies need to be universally enforced, contribute to the formalization of the labor market and extend access to social security.

Finally, opinion polls show that all throughout the region one of the most pressing concerns is citizen's safety. The threat of violence in society undermines the most elementary right of all – the right to life– which ultimately erodes citizen support for democratic institutions. Although the problem may vary from one country to another, violence and crime indicate the State's limited capacity to enforce the law against crime, common or organized. Acknowledging that there are no magic solutions, the report advises to refrain from conventional policy options like "extreme enforcement" and "getting tough", in favor of policy options that that restore the rule of law without further threatening citizens' rights.

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- Rio de Janeiro, Brazil, 5-6 December 2008
- Madrid, Spain, 20-21 February 2009
- Asunción, Paraguay, 26-27 October 2009
- Guatemala City, Guatemala, 9-10 November 2009
- Panama City, Panama, 16-17 November 2009 (Subregional Meeting with Costa Rica and the Dominican Republic)
- Montevideo, Uruguay, 8-9 December 2009
- Bogotá, Colombia, 16-17 February 2010
- La Paz, Bolivia, 9-10 March 2010
- San Salvador, El Salvador, 18-19 March 2010
- Mexico City, Mexico, 22 March 2010
- Brasilia, Brazil, 26-27 April 2010 (Subregional Meeting with Argentina and Chile)
- Mexico City, Mexico, 11-14 October 2010 First Latin American Forum on Democracy and Regional Presentation, Our Democracy.

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Foreword

José Miguel Insulza, Secretary-General of the Organization of American States

The OAS is an institution conceived and structured for action. Political, economic, and social problems on this continent and, very especially, the development and strengthening of democracy, are its main concerns. Of course, the OAS is not a research institute. However, to act, to help our democracy last, it is indispensable to engage in our own reflections about our own issues. As it says in this text, “discussing what is not being discussed, scrutinizing the causes of our crises, imagining scenarios, understanding structural gaps and the way to resolve them, or at least to begin addressing them”.

This is why the OAS has wanted to participate in this endeavor, which UNDP started in 2001 –at the time widely spread in the region and abroad– to continue with this second collaborative report. This work has rallied our two institutions, UNDP and OAS, around the great challenge of achieving sustainability for our democracies. After almost two decades of the prevalence of democratic ideas, in Latin America the key challenge for democracy is solving the major problems that curb development and curtail freedom in the region. This report is a contribution to that progress. With this report we can better share our points of view, assessments, and lines of action.

This work will help provide a sounder foundation for our actions to ensure that Latin American democracies are truly instruments for changing and improving our citizens’ lives. Here we must see democracy as an organization of political life that turns rights into actual facts of life for our peoples. This proposal expands and enriches our challenge while also making it more complex, more difficult and much more compelling. Democracy is not just a question of free, transparent elections; it is also the instrument that we must reinforce to achieve, in freedom, the transformation of our societies.

To pursue this work, we have received the backing of the Canadian International Cooperation Agency (CIDA), the Spanish Ministry of Foreign Affairs and Cooperation (MAEC), the Spanish International Cooperation Agency (AECID), and the Federal Electoral Institute of Mexico (IFE). Their support for this type of work has been decisive in making implementation feasible.

I would like to thank those responsible for this effort and all those who, albeit anonymously, have contributed to perfecting it: the hundreds of Latin American women and men who over the last few months have taken part in the debates in which the ideas presented here were discussed.

Helen Clark, UNDP Administrator

Democracy reinforces choice, participation, accountability, transparency, and the rule of law, all essential in expanding the opportunities and choices people have to live a better life, which in turn will result in furthering human development.

Latin America has increasingly taken this message on board. Since the fall of the authoritarian regimes of the 1970s and 1980s, we have seen democracy taking root in the region.

From electoral assistance to strengthening the voice and participation of women, the poor, and the marginalized, UNDP has been supporting Latin American countries in their efforts to build effective and capable States which are accountable, transparent, and inclusive.

But democracy is a work in progress. Participation and open debate are at the center of the democratic process. It is important that citizens and government engage in a continuous dialogue on how to improve its legitimacy and effectiveness.

Our Democracy follows up on the first *Report on Democracy in Latin America*, launched in 2004, and is an important contribution to this government–citizenry dialogue. The report acknowledges the region's tremendous progress in advancing democracy, but also identifies some challenges which need to be tackled to ensure its sustainability.

I sincerely hope that this report –written in collaboration with the Organization of American States– will assist the Latin American peoples in their important efforts to further foster and strengthen the democracies in their region.

Heraldo Muñoz, UN Assistant Secretary General and UNDP Regional Director for Latin America and the Caribbean

Although Latin America has enjoyed its longest run of democratic regimes and elected governments, democracy in Latin America are still in need of quality improvements. Despite developments in post-transition democracies, citizens are frustrated by inequality in the distribution of wealth and power, weak involvement of the people in public affairs, public and private corruption, citizen insecurity, and government weakness among other problems. The region is at a crossroads: take a qualitative leap toward greater, improved citizenship or be swallowed by these current democratic deficits.

What Latin America needs from a "fourth wave" of democratization is improving government capacity, bolstering the rule of law, expanding citizenship, and reducing inequality while building institutions that fight corruption and informal markets. Otherwise, dissatisfaction with democracy could become a wave that will crash back on us and our system for political governance, giving rise to further restrictions on freedom of speech and the rule of law, open or disguised policies of coercion, and greater citizen insecurity. If there is not a "fourth wave" of democratization, regrettably we may witness the continuing privatization of political, social, and economic affairs, and also the dictatorial temptations of nationalization without concern for quality or transparency.

Being aware of the challenges, this report also offers information that would justify optimism about recent achievements of democracy in Latin America, among others accomplishments in electoral democracy, macroeconomic stability, and institutional capacity to cope with economic crisis. On the one hand, this report emphasizes the importance of ensuring that these achievements are not lost. On the other hand, it also presents extensive evidence to show that there is increasing urgency to improving public institutions, reducing inequalities, limiting privilege and abuse of power, preventing further growth of informal labor markets, increasing democratization of the economic and social debate and in the oft-postponed political reforms.

This report is ultimately a call to build sustainable democracies in the region, where power is better and more symmetrically distributed among the people and where citizens' rights are guaranteed for all. The message is clear and conclusive for the region as a whole, whereas the emphasis on particular issues may be greater or lesser in each country.

We hope this report will be a contribution to the regional democratic governance agenda. In synthesis the report states that weaken States and the loss of civic domains (i.e. "privatization") in politics, economics and society have left democracy in Latin America with three crucial and urgent challenges: recovering security, furthering citizen well-being, and reconstructing politics. To surmount those challenges we need to build a new, broad-based consensus for change. For example, Latin America's fiscal structure is still regressive, as it disproportionately taxes consumption rather than income and property. Also, in Latin America taxes are 10 to 23 percent below other regions of the world. All this will have to change, because democratic governance in the region will depend on the capacity of social and political stakeholders to ensure that taxes are equitably collected and that they meet society's demands.

This work is the result of a fruitful partnership among the OAS, UNDP, and hundreds of stakeholders in the region who helped reflect on, discuss, and analyze the issues. Our appreciation goes as well to the Spain-UNDP Trust Fund for its invaluable support in this endeavor.

Introduction

Democracy in Latin America continues to develop, while its dilemmas and questions also evolve. As time goes by, there is less concern with the past and more concern with the future of democracy in the region. The question is no longer What can we do to keep authoritarianism from coming back?, instead the questions are What can we do to resolve democratic deficits?" How can we ensure better quality in our democracy? How do can we build growing social support to real and sustainable democracy in Latin America? In this report, we have worked to respond to such change. Readers will find neither universal prescriptions nor a catalog of all the issues that may concern us. Rather, we will explore the root of the main deficits of democracy in the region, and will analyze in detail those that we feel have a pervasive effect.

This work is the result of extensive dialogue and debate that began in the second half of 2008 and continues in the tradition of the first Report on Democracy in Latin America that the United Nations Development Programme published in April 2004. That was the first assessment of the region's political status during Latin America's longest period of democracy. That first report made two major contributions. First, it put together a comprehensive database on political, civil, and social indicators, and second, it made progress towards a deeper understanding of democracy beyond the threshold of elections, promoting debate on democracy as a system to create citizenship. Since its inception, the report proposed broadening the public debate on developing democracies in the region to include questions like: What are the critical shortcomings in our democracies that hinder the exercise of citizens' rights? What are the factors that threaten the sustainability of democracy? And especially, which of those factors are ignored in public debate? This second Report on Democracy in Latin America, a joint effort of OAS and UNDP, focuses on those same questions in an attempt to further advance the public agenda in Latin America.

This report also strives to innovate in the way it has been written. The starting point was a draft by the OAS-UNDP team with input from some 40 world-class specialists. Then, the original document was transformed through continue with extensive debate with political and social stakeholders of the region. The value of the ideas appearing in this final report lies in these consultations and discussions, which will continue as this document is distributed. Overall, we consulted over 850 political and social stakeholders and leaders from 18 countries in Latin America to offer what we believe are shared ideas on democracy in the region. We hope this work will lay the groundwork for public policies oriented toward building democratic sustainability at the local, national, regional, and global level.

In the end, the report attempts to present a broad and plural view of the debate about development of democracy in the region, covering topics that show areas both, consensus and controversy. Although the aggregate regional perspective often lacks the richness of nuances in each of the national process, still we tried to be as faithful as possible to the original voices, which are woven throughout the text. Readers will be able to see the interplay among the OAS-UNDP text with the reactions from stakeholders, and the perspectives from specialists. Even in its format, this document reflects both, our conviction that far from closed-ended truths knowledge is built by critical shared analyses, and our profound respect for the diversity of political experiences in Latin America.

This document will offer a characterization of the post-transition era and evolution of the different spheres of citizenship in Latin America during those years. We define as "post-

transition" the period since the democratic transitions of the 1980s and 1990s. It is our opinion that, while each country remains unique, during this period the main challenges for all countries are the same: weak governments, crises of representation, and inequality in wealth and power. More than ever these shared challenges are being addressed with different policies in each case.

We decided to focus on those issues that, although central to the sustainability of democracy were not included on the public agenda. Power, so pivotal in politics, has been almost totally ignored in contemporary theoretical debate and even in political analyses. So we have placed special emphasis on this issue. **Who has real power in society, those who are elected, or someone else? What happens when government lacks the power to carry out its electoral mandate? How can a democracy work when the government and its elected officials depend more on the power of the few than on the legitimacy of the majority?**

We will thus maintain that democracy is a way of organizing power and society so individuals can progressively enjoy their rights and, in this process of shifting from nominal to real rights, democracy is the foundation for the creation of citizenship. Therefore, the quality of democracy is directly linked to its capacity to generate citizenship.

This report will also argue that democracies are sustainable only when they keep their promises, thus enabling citizens to effectively exercise their rights. Consequently, we offer a discussion of the theoretical aspects of democracy, especially the concept of quality of democracy based on its *origin*, its *exercise,* and its *purpose,* and the need to focus on the conceptualizing of citizens' rights in the region. We will undertake such discussion from the notion that a purpose of democracy is to create citizen well-being and that citizen rights must be enjoyed all citizens.

From this perspective, a democracy begins with democratic voting but does not end there. Full realization of democracy entails a number of other requirements and depends on various elements:

- Insofar as legitimacy of exercise and purpose are added to legitimacy of origin, democracy becomes more sustainable, in other words, more durable and capable of expansion.

- Nowadays the political system creates distance, rather than closeness, between constituencies and their elected officials. A society where citizens do not believe in their representatives is a society that may eventually become estranged from democracy. In this respect, the crisis of representation "exteriorizes" the flaws in exercise and fulfillment of the purposes of democracy.

- Without appropriate procedures to regulate the relationship between State and society (or the "exercise" of democracy) and without an expansion of citizenship, democracy may end up as merely a rite or will be supplanted by some other form of social organization. The real risk for Latin American democracies lies much less in the attempts to overthrow presidents and more in the system's loss of legitimacy.

- Exercise (rule of law) and purpose of democracy are core to the political debate in Latin America, and therefore our analysis. If "Caesar-ism" replaces presidentialism, the republic's institutions will be truncated: the independence of power and any control over it will vanish. If a democracy without a government is inconceivable, a

democratic State is not viable without a republican system of checks and balances on the exercise of power.

- There are short-term challenges. Latin America has the highest homicide rate (therefore the right to life is not guaranteed) and is the most unequal in the world. Income disparity, territorial inequality, gender inequality and ethnic inequality are all inequalities of power too. Therefore, neither the law nor power is equal for all.

- Intimately linked with power and inequality are fiscal issues: who pays taxes? what are tax revenues used for? what type of taxes are predominant? These are issues that a region like Latin America ought to have at the top of its political agenda. But they are not. Fiscal issues are feared or ignored. Even more, while elsewhere taxation is central to presidential campaigns, in Latin American any mention of taxation during a presidential run is the exception rather than the rule.

All these elements are tightly linked to a democracy's ability to organize power and to create the conditions to expand citizenship through a process in which women and men advance toward conditions of greater spiritual and material well-being, individually and collectively. These issues account for much of our democratic demobilization.

Chapter 1: OUR STARTING POINT

Inequality and power

Latin America is enjoying its longest period of democracy. Never since independence have so many countries in our region lived for so long in democracy without dictatorial interruptions. But our democracy is also unique. We are both a democratic region and the most unequal region on the planet. Therefore, we will begin with the greatest problems, inequalities in power and inequalities in exercise of citizens' rights.

All societies harbor harsh inequalities and power asymmetries. In Latin America these are particularly reflected in income disparity. In the last decades, the income of wealthiest 10 percent was 37 percent, on average in the region. That is almost three times the income share of the poorest 40 percent of the population (their income share comes to about 13 percent).1 Such economic inequality is reflected elsewhere too, especially in unequal access to power; and in turn, this concentration of power may exacerbate economic and social inequalities.

If regulated or 'organized', these inequalities may hinder the people's ability to exercise their rights, consequently inequalities prevent expanding citizenship. Of course, no one would voluntarily relinquish the benefits from his own economic position and power without the intervention of a redistributive, balancing action of the State. That is to say that citizen's rights may not be realized spontaneously and, therefore, citizenship –precisely the exercising individual rights– will barely exist.

From this perspective, **the function of democracy in society is to redistribute power to ensure that all individuals can exercise their rights. However, to organize power in society, democracy *itself* requires power.** From UNDP 2004 report *Democracy in Latin America: Toward a Citizens' Democracy*:

> *"The criteria presented here are meant to be a starting point for triggering debate: as such they are a beginning not an end. We propose that the agenda include: how to change from a democracy whose subject is voter to one whose subject is the citizen endowed with increased rights and responsibilities in the political, civil and social realms; how to transition from a State with a deficient legal system to a State with universal reach throughout its territory and whose main objective is to guarantee and promote rights –a State both of and for a Nation of citizens–; how to move from an economy conceived in terms of single-option dogmatic thinking (la pensée unique) to one with a diverse set of options; and how to create an autonomous space in the age of globalization. In sum, it is about entwining society and politics and consequently about integrating the needs of society into politics."*[2]

The same goals also guide this current work. We will discuss the current conditions and current needs to make Latin America a region where democracy lasts and expands. We will analyze the issue of sustainability of democracy in Latin America and promote incorporation those findings in the political agenda of our societies. Ultimately this study delves into how democracy can turn nominal rights into concrete, daily, experienced reality, thereby generating a democratic society where the exercise of political, civil, and social citizenship is expanding.

1 Based on ECLAC Statistical Database and Social Indicators.
2 UNDP (2004), p. 176.

We start by acknowledging that we don't have all the democracy that we could have, despite our development and resources. There is a degree of democratic development beyond mere chimeras that we should attain, but have not yet reached. So why are we not able to achieve a level of democracy that is feasible? The desire to investigate the causes of that very failure motivates this study, which will argue, as already mentioned, that the causes have much to do with denial or ignorance of issues that are vital to our societies.

Following Amartya Sen's depiction of the experience of injustice, we believe that the experience of inequality is core to democracy and even weakens the meaning of "democracy":

> *"'In the little world in which children have their existence', says Pip in Great Expectations by Charles Dickens, 'there is nothing so finely perceived, and finely felt, as injustice'. I expect Pip is right: he vividly recollects, after his humiliating encounter with Estella, the 'capricious and violent coercion' he suffered as a child at the hands of his own sister. But the strong perception of manifest injustice applies to adult human beings as well. What moves us, reasonably enough, is not the realization that the world falls short of being completely just, which few of us expect, but that there are clearly remediable injustices around us which we want to eliminate."3*

Although our democracies have brought freedom, and with freedom there is more extensive public debate, certain topics still seem to be taboo when debating the direction for society in Latin America. "Don't even mention that" seems to be the norm marking the boundaries of our political agendas. Yet if democracy faces "clearly remediable injustices", it seems it would be useful to talk about these very things – to open the forbidden for discussion.

Pierre Mendès France, who was Prime Minister of France from 1954 to 1955, said that "every individual contains a citizen". These words summarize the main challenge for democracies. Choosing his words carefully, Mendès France affirmed that individuals *contain* citizens, he didn't say that they *are* citizens. Our democratically organized societies have to move toward meeting that challenge.

Citizens' democracy

The ideas on the expanded vision of democracy that we adopt in this work are set forth in the 2004 UNDP report on Democracy in Latin America. Its core postulates are three: the concept of citizen democracy, a definition of citizenship, and the differentiation among democracy of origin, exercise and purpose. The starting point for our work is the distinction between a **democracy of voters** and a **democracy of citizens** proposed in the 2004 report. From such perspective, democracy:

- is a way of organizing power that requires the existence of a properly functioning State
- is a system in which elections play a fundamental part but which is not limited to elections
- entails exercising a comprehensive citizenship, in all three dimensions (civil, political and social)
- is a particular historical experience in Latin America, which must be understood and evaluated as a specific phenomenon.

From this standpoint, democracy implies the concept of citizenship as a sort of basic equality associated with belonging to a community, which in modern terms is the equivalent to the rights and obligations which all individuals have because just by belonging to a nation-State.[4] As a

3 A. Sen, (2009). p. vii.
4 UNDP (2004) p. 60

result of the historic struggles to enrich or drain its contents, and expand or reduce the number of people to whom it is extended, the definition of citizenship is dynamic, contingent and open. The concept of *citizenship* is then a tool that we use to link the forms of politics with their results or purposes.

To facilitate analysis and help understanding the public policies implications of expanding citizenship, it is useful to adopt the three dimensions of citizenship[5], originally proposed by Thomas H. Marshall (see Box 1.1)[6]:

- **Civil citizenship** or the right to individual freedoms such as freedom of speech, freedom of thought and freedom of religion, the right to justice, the right to property and the right to establish valid contracts.
- **Political citizenship** or the right to participate in the exercise of political power as a member of a body invested with political authority or by voting to elect its members.
- **Social citizenship** a larger set of rights, covering from the right to a minimum economic well-being, to sharing fully in a society's legacy, and living according to its prevailing standards. As articulated in the instruments relating to rights recognized by the United Nations, these are the "economic, social, and cultural rights" and include, for example, indigenous peoples' rights to their cultural practices and expressions or, to use Marshall's expression, "their social heritage".

BOX 1.1
The three dimensions of citizenship

"… I will begin by proposing a division of citizenship into three parts or elements: civil, political, and social. The civil element comprises rights for individual freedom: freedom of personal safety, freedom of speech, thought and religion, right to property and to establish valid contracts, and the right to justice. This last one is of a different nature from the others, because it involves the right to defend and enforce the array of personal rights in equality with other persons, through due legal procedures. This shows us that the institutions directly related to civil rights are courts of justice. By the political element, I understand the right to participate in exercising political power as the member of a body invested with political authority or by voting to elect its members. The corresponding institutions are the Parliament and local government boards. The social element covers the whole range, from the right to security and a minimum of economic well-being to sharing fully in the society's legacy and living the life of a civilized being according to the society's prevailing standards. The institutions directly involved are, in this case, the educational system and social services."

Source: Marshall, T. H., "Citizenship and Social Class", in Marshall, T. H. (comp.), Class, Citizenship and Social Development (New York-Garden City: Doubleday, 1965), pp. 22 and 23, (original text from 1949 is reproduced).

Democracy must guarantee each of these rights, but also each citizen must honor his or her duty to exercise them while respecting the democratic values and norms and, in particular, respecting the rights of fellow citizens.
Then, democracy seeks to correct power imbalances by creating *another power* to regulate power in society and by so doing make citizenship possible. Democracy thus makes rights "attainable", yet again the prerequisite for democracy to function is to be powerful enough to put any asymmetrical powers in under control. **Thus, democracy is a way of organizing power in**

5 See T.H. Marshall, 1965, which reproduces the original text from 1949.
6 This statement does not mean that we are unaware of current discussions proposing to add other "generations" of rights, especially environmental rights.

a society so it is possible to expand citizenship, to prevent or limit domination of individuals or groups that may be against it, and to ensure that democratic organization lasts. Democracy regulates relationships among individuals, organizations and the State according to norms grounded in the people's will and democratic procedures. In this process of exercising democratic power, the State plays a vital role. To this respect, an anachronistic, inefficient, or ineffective State apparatus cannot perform to correct the shortcomings that weaken democracy.

Finally, the democratic organization of power has three features closely linked to its legitimacy:

- It has its **origin** in the popular sovereignty expressed through regular, free and transparent electoral processes. Democracy starts with the idea that power resides with the people who delegate (but not relinquish) the exercise of that power. Delegation of power entails that mandates are issued for specific terms, there is the possibility of oversight, and alternating is possible.

- The **exercise** of this power happens through the republic's governmental institutions following the rule of law. This refers to the way public policies and norms are formulated.

- The **purpose** of democratic power is to guarantee, bring into being, and extend citizens' rights in all three spheres (political, civil, and social). Expanding these rights is construed as their actual realization.

As we will see in the next chapter, there are generally-accepted minimal levels for each of these spheres of citizenship. Furthermore, below certain thresholds, the conditions are just not conducive for democratic life. Among those minimum requirements are free and transparent elections; respect for the freedom and safety of individuals; and freedom of expression. Beyond those minimum requirements, democracy must gradually expand the scope in which rights are exercised. Of course, this task is never-ending because rights are never fully "consolidated" and "democracy is a system always marked by unfinished forms and non-fulfillment."[7]

This "continually incomplete democracy" also has ceilings on what can be attained, especially in social citizenship. These in turn depend on constraints imposed by a society's degree of development at a given point in history. By the same token, using international comparisons with other countries of the same economic conditions, it is possible to establish desirable minimum requisites or international standards. These minima must be defined in constitutions and law through democratic processes based on the criterion, as defined in international discussion of economic and social rights, of aspiring to the "maximum attainable".

Democracy is a work in progress, thus discussions about the process and, about whether societies are approaching the attainable or backsliding, must inform political debate. This study seeks to contribute to the definition of what is feasible in Latin America, and to contribute to democratic development by pointing out what issues that need to be brought up for discussion.

[7] Rosanvallon, in UNDP (2004), p. 35.

STAKEHOLDER VIEWS AND POSITIONS 1.1

"Citizens ought not to be seen as receivers of rights but as fundamental stakeholders in democracy. […] Excluded sectors are a wake-up call that it is time to rethink the Social Contract".
Representative of a CSO in Costa Rica, 16/11/09

"It is necessary to move on, from instrumental democracies that focus just on elections, to a substantive democracy based on fulfillment of rights, living rights and not just the denied rights that are written but never exercised."
Representative of CSO 2 from El Salvador, 18/03/10; paraphrased

"Building citizenship is a day-to-day job, not just a call to action every five years or whenever there are elections. That doesn't build citizenship – that only builds clientelism, which we know is very costly for the government."
Representative of a Federation of CSOs from Paraguay, 26/10/09

"More voters participate, but they are not citizens. The problem is how to turn voters into citizens. Expanding citizenship is not increasing the number of people voting, but among other things getting those citizens who vote to have a more continual presence in the national political arena."
Scholar from Guatemala 1, 10/11/09

"The concept of citizenship, as formulated in the 18th, 19th, and even 20th century, no longer articulates our current complex political issues, at least in Bolivia. […] It is a concept that must be constructed and reconstructed continually. […] Bolivia's experience teaches us some important lessons: first, laws are not enough. We have a new national constitution with nearly one hundred articles on rights […] However, what can we do so the government can actually enforce them? We can't think about citizenship just from the government's point of view: we have to think about citizenship from the viewpoint of citizens, of civil society itself."
Researcher from Bolivia 2, 10/03/10

"In Mexico we build citizenship by building voters. However, the main players in democracy are the citizens. […] The social contract grounded in fulfilling rights is not working out. In Mexico, we have not managed to amend the Constitution to include the concept of human rights. Other constitutions of the region have made significant headway in that, but without translating it into public policy to enforce those rights."
Mexican HR expert, 22/03/10; paraphrased

"More than citizens, the free market has generated consumers. And consumers solve their own problems individually – unlike citizens, who solve them in community. […] The earthquake in Chile showed the difference between an organized, consolidated community that can cope with its problems, compared to a totally fragmented community."
Vice president of a political party in Chile, 27/04/10

"It is relevant to distinguish between a citizen in liberal democracy –who settles, at best, for demanding respect for and recognition of his or her rights and duties and then wallows in individuality prone to self-centeredness and non-solidarity– and a citizen in a republic who […] is aware that the social order he or she belongs to is not a given, and can change for the better, so he or she doesn't remain inert, but gets involved responsibly and rationally."
Colombian scholar 2 – written comment

Chapter 2: SPREADING CITIZENSHIP AND THE WELFARE SOCIETY

Controversies about democracy

Underlying many disputes about political forms currently emerging in Latin America there is a simple question: what does democracy give to Latin Americans? When people think that democracy offers them only scant benefits, this paves the way for them seeking different, uncharted alternatives to organize society in order to improve living conditions. Thus, the threat to democracy in Latin America is no longer returning to the authoritarian past, but living up to the difficult current demands**. In other words, democracy is not sustainable over time if it falls behind in creating citizenship and if it is not able to expand citizenship to all.** If we go down a path where majorities stop supporting the democratic system, legitimacy will dwindles and, in the long run, sustainability will be lost. If such lack of support would be compensated by giving special benefited to some privileged minority or specific group, the system might still be governable, but would not be a democracy.

It is not uncommon in Latin America that in the exercise of government select minorities replace the majority that had originally granted legitimacy through elections. This has generally led to governments being isolated from their constituencies and dependent upon private power groups. We then end up with weakened governments, "kidnapped" States, and languishing democracies.

Minority sectors may grant power to the government, they may even merge their power with that of the government, but what they can't do is stabilize and expand a democracy. Hence, decision-making in a democracy cannot rest exclusively with the same old visitors to offices of political power who speak on behalf of the *de facto* powers8. Rather, power in a democracy requires legitimacy from the citizens, who should enjoy the benefits of access to political, civil, and social citizenship. In other words –and this is one of the tenets of this report– democracy is sustainable when the majority attains a level of well-being commensurate with society's level of development. In this cycle, good democracy renews its legitimacy. Within a democratic system, "legitimacy" is essentially the social support that the majority gives to their government, and provides the stability required to expand citizens' rights and, subsequently, citizen well-being. This is the virtuous cycle of legitimacy.

How, then, can all citizens enjoy the same civic, political, economic, social, and cultural rights? What are the "ranges" of citizenship we can demand in each country in the region considering their circumstances? How to citizens' rights in all domains, civil and political rights, but also economic social and cultural rights? How to expand citizenship and citizen well-being to the greatest number of people in such a way that it generates sustainability? How this process of expanding citizenship becomes a goal for a society? What, then, are the 'outputs' of

8 "*De facto powers*" refers to non-public, undue influences in government decision-making. Actually, the actions of *de facto* powers do not necessarily lead to an attempt to supplant State functions; they may legitimately want to influence the State, or lend weight to their opinions throughout society. This should lead us to use the term "parastatal power" to describe non-public power that improperly seeks to supplant governmental action. However, the fact that the expression "*de facto* power" is so widely used with the aforementioned meaning discourages us from trying to change it.

democracy? How do we assess the quality of democracy? These questions will be our focus in this chapter.

Throughout this discussion we need to keep in mind a basic idea: **the more democracy serves to create individual and collective well-being, the more it's likely to last in a society. If democracy fails in this task, sooner or later it will weaken and risk failure.** Let us not forget that, of all systems of political organization, democracy is the youngest and, for as long as humans have lived in societies, it has been the exception rather than the rule.[9]

This chapter will probe the quality that is attainable. On the one hand, what is the minimum below which democracy becomes unsustainable? On the other, what is the maximum that a society can deliver without it being simply a mirage with benefits so dear that they too undermine sustainability? What keeps a society united and what generates purpose for a community and a nation? Why do our societies appear to have lost their *raison d'être* and why has their purpose become estranged from politics? And when the sum of these fleeting instants is a history without purpose, what effect does that have on democracy?

In our line of inquiry, it is helpful to questions what would happen is, even when free and fair elections have taken place, and all the conditions for the electoral process have been met, but still:

- the welfare of citizens is profoundly unequal
- poverty and extreme poverty engulf vast segments of society
- the right to life and physical safety is not respected
- one branch of the State outsteps the others and society itself, concentrating decision-making in the wrong place and eliminating democratic control over its actions
- the rights of individuals are provided for in the letter of the law but are not actually exercised
- the *de facto* power are stronger than the State

Here again, it becomes clear that democracy is not just an electoral act, but also a matter of how power is exercised and if minimum levels of effective citizenship are being attained. If we were to say that elections alone constitute democracy, this would imply that:

- democracy is only a method for electing those who will govern under a set of conditions that guarantee the quality of the electoral process,[10]
- the exercise of government does not affect the quality of democracy even if it ignores the very tenets on which the republic is founded
- it's unnecessary to take into account what is happening with society and its members, regardless of whether they live well or badly and whether they can actually exercise their rights or not

It may seem unreasonable, but this view of democracy not only exists but is widely accepted. If democracy were just elections, it would mean that the struggles that had the power to mobilize and inspire so many in Latin America, even to the point of sacrificing their lives, were waged just to attain an electoral method, regardless of the results in terms of a society's quality of life.

9 For a study of democracy as a recent phenomenon in this world, see C. Tilly, *On Democracy*, pp. 59 and following.
10 For example, the conditions outlined by Robert Dahl to describe polyarchy.

Another common perspective on the quality of democracy is that, yes, democracy may not just be voting, but freedom. And what is freedom, but a set of rights? Freedom exists only when there are concrete rights that can be exercised. But how can we exercise freedoms without the rule of law, without reasonably equal power guaranteed by norms?

Jean-Baptiste Lacordaire, a 19th century French Dominican priest, intellectual, and politician said: "Between strong and weak, between rich and poor, between master and servant, it is freedom which oppresses and the law which sets free."[11] From this perspective, democracy doesn't exist because freedom is guaranteed. Rather, freedom, or more specifically "freedoms", exists if there is democracy to grant effective rights and to organize power in society as to guarantee them.

Thus, democracy implies not only the method for electing government but a guarantee that freedoms and all of the rights stemming from them can actually be exercised in a society. Thus, creating citizenship also creates freedoms. Democracy affords citizens the exercise of the rights *that enable freedom to actually be practiced*: the right to choose, to live, to be secure, to not have to suffer persecution, to education, to a decent wage, to health, and to social protection.

Therefore, democracy involves much more than just free, transparent election of government officials and this notion is integral to all efforts to establish true democracy today.

Two questions that logically follow our discussion are: What, then, does democracy involve other than voting? and What is democracy's ultimate purpose? Beyond elections, the purpose of democracy is to organize power in such a way as to advance the effective exercise of citizens' rights. But how far can that process go and, conversely, what is the minimum below which there is no democracy? Also, is there a maximum beyond which the conditions required for sustainability are lost? and what does the degree of attainable citizenship depend on?

In the following sections we will look at the notion of social welfare as the social expansion society of individual citizenship, and, as we shall see further along, as a goal that lends meaning to the development of democracy.

Democracy of citizenship and welfare

The 2004 UNDP report, "Democracy in Latin America" made a distinction between a *democracy of voters* and a *democracy of citizens*. From such perspective, democracy:

- is a system in which elections play a fundamental part but which is not limited to elections;
- is a way of organizing power that requires the existence of properly functioning bureaucracy and institutions of a State endowed with power; and
- entails exercising a comprehensive citizenship, in all three dimensions (civil, political and social);

11 The original quote in French, from the 52nd conference of Notre Dame, is: *"Entre le fort et le faible, entre le riche et le pauvre, entre le maître et le serviteur, c'est la liberté qui opprime et la loi qui affranchit."* Lacordaire, 1872, p. 494.

BOX 2.1

Citizenship democracy

1. Democracy assumes a political system operating in a State and a Nation containing a population, territory, and authority wielded within. That system contains a series of institutions and procedures defining the rules and channels to access the main positions of the State, exercise of State power, and the public decision-making process. These are:

    - the right conditions for access to the government
    - elected public authorities
    - free, fair elections
    - universal suffrage
    - the right to compete for public position
    - freedom of speech
    - access to alternative information
    - freedom of association
    - respect for terms of office according to constitutionally set limits
    - a territory clearly defining the constituency pool
    - the general expectation that the electoral process and contextual liberties will remain indefinitely

2. Democracy implies substantive access to State power and there is no other organization in the territory (formal or otherwise) with power equal to or greater than that of the State. This defines internal sovereignty, which implies monopoly on legitimate use of force, the capacity to deliver justice effectively and finally, capacity to set norms for the conduct of individuals and organizations, economic and organizational means required to perform its duties, and capacity to implement policies that have been decided on. And sovereignty derives from the renewed legitimacy granted by the society. Access to effective State power also requires some official means of conducting relations with other sovereign States so that the objectives of society are not substantially altered by the imposition of conditions from without and which are not the consequence of freely delegating sovereignty to multilateral agencies.

3. Democracy also entails the rule of law. It implies the independence of the branches of the State, a legal system that protects political freedoms and the guarantees of political democracy, protects civil rights for the public at large and for the purpose of establishing networks that hold public officials to account (including the highest positions of the State, subject to appropriate controls), and that assumes submission of State action and powers to the norms set by authorities designated democratically.

4. Democracy assumes a certain way of organizing power in society. In democracy, power relationships between the State and citizens, among citizens, and among the State, organizations, *and* citizens, must be framed within the exercise of political, civil, and social rights so that imposition of power to control conduct does not threaten those rights. What is critical in a democracy is that power, whether public or private, is organized so that it does not it threaten rights but also becomes an instrument for expanding them. Judgment about that relationship between power and rights must be objective, i.e., defined by the majority of members of a society.

5. Democracy requires that all substantive issues are put to all citizens for a vote. Those elections requires rules and conditions that assure free elections and fair competition among political candidates and political platforms. This determines the actual range of options for citizens to choose. The electoral or public agenda goes beyond the regime but is substantive for democracy - part of its organization.

Source: UNDP (2004), Democracy in Latin America: Toward a citizens' democracy, New York

The 2004 UNDP report defines citizenship as equality in the possession and exercise of rights associated with belonging to a community, that, "in modern terms it is equivalent to the rights and obligations which all individuals have because they belong to a nation-state".12 But it's never guaranteed that all citizens will *actually* enjoy all of their rights because some people may have more power than others and they may not be naturally inclined to yield this power in order to reduce inequality in society.

Yet to grant each individual the rights to which they are naturally entitled is the very function of democracy and in order to achieve that there must be a way built into the system to correct power imbalances. This implies that a State must exist as a prerequisite to balance power.

Since 2000 when UNDP began this work in Latin America, national political particularities in the region have become more marked.[13] Each country has its own unique issues **and while many of the current problems are similar – weak states, crises of representation, unequal wealth and power, poverty and, in some cases, risks of "Caesar-ism" – now more than ever these challenges require their own, country-specific political solutions**. For the purpose of understanding democracy in Latin America it means that we need to look at the common challenges and at the same time consider the specific context.

Our aim is to place the key issues for expanding citizenship and for strengthening democracy at the center of the public agenda. We understand that the quality of democracies is directly linked to their capacity to create citizenship and that the public debate is crucial to developing citizenship. And one main thrust of this report is to promote debate about what is lacking, which in some countries has not even been enunciated.

The issue of citizenship also has a quantitative dimension. Are rights exercised only by privileged minorities or are they in fact spread throughout society? How many people actually exercise *true* citizenship? It is reasonable to put forward the idea that the exercise of rights by a majority in the context of broadly distributed citizenship has much to do with legitimacy and, therefore, with the system's sustainability.

When a majority of citizens enjoy their rights *as citizens*, when true rights are not confined to a minority, this creates a 'welfare society. That in turn goes beyond just creating a quantitative change –just more citizens enjoying their rights– to a social change in social relations and in the legitimacy (and therefore its sustainability) of the system that makes general welfare possible. In other words, expanding rights to a larger group of people leads to 'higher quality' societal relations and, in that process, the quality of democracy is transformed and the nation becomes stronger.

So the idea of citizen welfare is linked inextricably to the purpose of democracy both individually and collectively. From this perspective, citizen welfare is less a result of government action and more an outcome (and purpose) of a certain form of social organization. Consequently, the main actor in social welfare I the community itself and it is this freely organized society that generates collective materialization of rights. Working towards citizen welfare, generating the public policies to make it possible, debating about what we could have as citizens and achieve as society, are top-priority tasks for governments and for the people in Latin America.

12 UNDP, 2004, p. 60.

13 This differentiation is mainly political. The same could not be said of economic issues, where there have clearly been a set of similar challenges and achievements in a large number of countries.

Although we have found that there is vigorous political debate about these topics, it could still be enrich if, for example, we concentrate on how to achieve these goals and search for alternative roadmaps, will restore and enrich political debate. Let it be clear that this is not an appeal for ideological discussion; rather, it is an initiative to recover a sense of purpose in politics and a call to be careful about the distinction between ends and means that different groups propose.

Social welfare is the sustainable expansion of rights at a given point in a society's development. It is through legitimacy, through satisfaction of societal demands, and through increasing enjoyment and dissemination of rights that we can ensure the permanence and reproduction of the democratic system in Latin America.

Summing up, the fundamental elements in the character of **Latin American democracy** must be:

- **It is electoral** as defined by the quality of the procedures for accessing public office.
- **It holds citizenship** as a criterion for evaluating the capacity of a democracy to grant its citizens with real and effective rights.
- **It determines welfare** by gauging the spread and breadth of citizenship to ultimately offer sustainable exercise of the greatest number of rights by the greatest number of people.

STAKEHOLDER VIEWS AND POSITIONS 2.1

"There are two ways to look at democracy: either a concept of democracy in institutional terms, based on the theory of the separation of powers and the balance of power – the concept of liberal democracy; or what we are seeing in practice, a concept of democracy from society, a concept of social democracy that makes decisions to solve its own problems."
Political analyst from Bolivia, 10/03/10.

"Genuine democracy is when the State watches out for its people, for the environment, for living well and coexisting peacefully among all and between humans and Nature. […] The new State is trying to recover that democracy. […] Some steps in that direction are to redistribute opportunities, income and wealth. The new development program is redistributing wealth."
Senator from Bolivia 4, 10/03/10.

"Paraphrasing Octavio Paz, democracy must not be given wings, but must take root. The scope of democracy must be expanded. We have outgrown ballot boxes; a country is not democratic if that doesn't also include social and economic democracy."
Vice Minister of the Executive Branch from Bolivia, 9/03/10; paraphrased.

"The notion of democracy has several meanings on our continent, which some see as complementary and others as contradictory. There are at least three dimensions of democracy present: democracy as a political system, which fits the minimalist definition, or what liberal democracy has been since the 18th century; democracy as the basis for a culture of pluralism and acceptance of others; and democracy as the seed of what we could call a small Utopia, after the cold war wiped out the great utopias, and with the intention of changing history and laying new, definitive foundations for our societies. […] Democracy is the seed of a Utopia of justice and solidarity among people, of the idea that societies have to produce a minimum of universal welfare […]. We see democracy as a three-story house. The first floor – electoral democracy – is taken for granted […] However, democracy is an unfinished project: most countries in Latin America have climbed a few rungs in the first dimension, the democratic political system; we have climbed another few rungs up the second dimension, and we have more tolerance, more peaceful coexistence and more plurality. But no country has attained its aspirations of making political progress compatible with economic growth and social equity."
Ex ambassador and ex minister of the Executive Branch from Chile, 26/04/10; quote summarized.

"We must understand citizenship democracy as a democracy of institutions. […] Along with free, democratic, transparent elections over the last twenty years, we have had fourteen governments that have not completed the constitutional terms of office. This tells us of the ups and downs with democracy in our region: as a journalist put it, Latin America is democratic and ungovernable. […] There is electoral democracy, but be careful about thinking that it is practically unshakable: there are recent examples of regression as in Honduras, and also many situations that tell of a democratic deficit, even in electoral matters. We are still a long way from consolidating an authentic representative democracy, […] understood as an electoral democracy plus the rule of law, […] effective separation of powers, independence of the judicial system, respect for rights and fundamental freedoms, accountability, checks and balances, which is the backbone of the inter-American system […]. I prefer to call this representative democracy a 'democracy of institutions' […] to contrast it with personality-based democracy."
Ex-minister of the Executive Branch and current senator from Chile, 27/04/10.

"Democracy is ultimately nothing more than a civilized class struggle."
International agency official in Paraguay, 27/10/09.

"There is a social standoff that must be settled democratically, and we have to accept that this social standoff is legitimate."
CSO Representative from Costa Rica, 17/11/09.

"It's true that the power of democracy does not live by elections alone. But it is also true that democracy would not exist without them."
Colombian ex-foreign minister – written comment.

The quality of a democracy

Each society must define for itself, in its own unique way, how to guarantee the expansion of citizenship. Yet certain issues are common to all countries that are trying to better democracy and advance citizen welfare. There are **certain minimum levels of citizen rights that are not only feasible but required from a democratic system.**

For example, in Latin America, even after centuries of republican life and long-lasting political parties, gaps between citizens and institutions, between citizens and parties persists, and a profound crisis of representation has resulted. That is intolerable. There's now is **a need for another form of political citizenship, another kind of representation, and this is possible.**

It is also possible to demand, and to have, better income distribution. The region has enough materials, human resources, and political resources not to have to endure the world's greatest income concentration. There is no reason why a region of this level of development and wealth should have 180 million poor and 71 million people living in hunger. There are enough resources in Latin America to change the living conditions of some many millions of its citizens. **Another form of social citizenship is possible.**

With the degree of development of our institutions, 200 years of independent life and experience in building the State, it is not acceptable the Latin America is the region with to the highest incidence of murders in the world. **Another kind of civil citizenship is possible and can be demanded.**

As we argued in the previous chapter, tensions remaining in the 'post-transition' period still challenge the sustainability of democracy in the region. Latin American democracies must settle long-standing citizenship deficits and address new realities, and they need to push what can be demanded toward the maximum that is possible and sustainable.

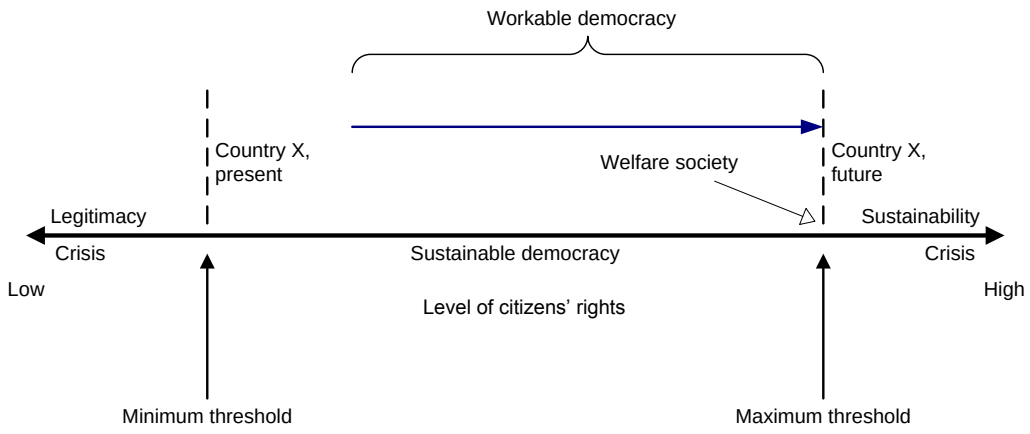
There is, however, reasonable agreement that, below a certain threshold, there are no necessary conditions for democracy to unfold. Free, transparent elections, respect for persons' freedom and safety, defense of freedom of expression, and basic nutrition are some of the minimum rights that a democracy must provide. Yet there is also a ceiling on what can be attained and it depends heavily on what is available in a society, its material, human and institutional resources. This maximum level depends on restrictions imposed by the historical stage a society is passing through. Countries differ in their degrees of development and available resources and therefore the "optimal attainable levels of citizenship" also vary from one country to another.

This is particularly true in social citizenship, characterized by progressive development. However, even in this area it is possible to define desirable minima in accordance with international patterns for countries with comparable development conditions. These minima are often defined in constitutions and other laws. In any case, the criteria agreed in international debate on economic and social rights is that those international standards are the "maximum of what can be attained", pushing what can be demanded to the very edge of what is feasible.

However, trying to go further than what is socially attainable runs the risk of succumbing to demagogy and simplistic economics[14], and this is just as risky as failing to reach the minimum levels. In other words, what is politically popular may be socially and economically unsustainable, may generate unfeasible expectations and eventually may just cause greater setbacks and frustrations. Here, simplistic economics become the enemy of the majority's interests.

Thus, somewhere between minimal citizenship requirements and an overly simplistic and unsustainable to public policy, there is room for a democracy that is feasible (see Chart 2.1). Therefore, in one extreme demagogy and in the other illegitimacy are the boundaries of sustainable, "workable" democracy. This realm of sustainable democracy is the sphere for debate, for public policy proposals, and for citizenship aspiration that give meaning and purpose to political work.

CHART 2.1
Sustainable democracy



Note: The maximum achievable varies from one country to another, one time to another. The starting-point can vary as well. Setting and generating policies to achieve sustainable democracy is every country's democratic challenge.

From this perspective, the legitimacy and sustainability of a democracy depend on its capacity to agree on and reach substantive *and* attainable goals for expanding citizenship. **If democracies do not make the effective exercise of citizenship rights a priority, they will fall below the minimal thresholds for sustainability, loosing legitimacy. On the other hand, if democracies set goals that are beyond the attainable, they will be unable to either fulfill or sustain those promises.**

To stay within this range requires the capacity to implement policies that create citizenship. This will lead us, later on, to discuss the issue of governance (*estatalidad*) and power.
In summary:

[14] This term of simplistic economics ("facilismo económico") has been proposed by José Antonio Ocampo instead of "economic populism", since the latter concept is vague and differs significantly from the concept of "populism" used in political science. *See J. A. Ocampo*, (2004).

- There is already broad consensus on the minimum conditions for citizenship rights and **below these minima democracy is not sustainable.** Those minima are prerequisites for democracy. In other words, democracy does not live by votes alone.

- While these minimum levels are identifiable and permanent, maximum levels are much harder to recognize. They vary from one society to another and from one moment in history to the next. These depend on what is "available" in a particular society at a given stage of its development.

- Between the crisis of legitimacy that results when democracy fails to provida essential rights and the crisis of sustainability when democracy overextends, there is an attainable, sustainable range for granting and demanding citizen rights. Below the minimum, the system denies individuals the rights that they could actually enjoy; above the maximum, the system creates a mirage of rights that cannot last. This is the range where citizenship must be created at each stage of each society.

- The political debate should increasingly address the issue of what is sustainable, in other words, at each stage what is the maximum of rights and benefits that can be expected to last. This debate does not distinguish between goals, but only the degree and timeframe in which they can be achieved. This type of debate is almost nonexistent in Latin America.

- While creating citizenship is one of the core aims of a democratic system, there is a collective dimension in exercising rights. How many people are included in this exercise? Thus, **citizen welfare is construed as the effective enjoyment of rights by the majority and as the purpose of societal organization.**

The purposes of society and the purposes of democracy

The historical meaning of democracies

The concept of 'purpose' may seem abstract in politics but is what gives meaning to the organization of social relations. Without a purpose, democracy would collapse. But where will democracy take us? What ultimate purpose makes the order that it establishes meaningful? Democracy could, in some cases, simply become a system to legitimize an unjust social order. Barrington Moore questioned the commitment of India's elite to the democratic ideal: "But why would they want to demolish it? Doesn't democracy provide a rationale to reject any large-scale revision of a social structure that maintains their privileges?"15

Issues of purpose and historical meaning have had a decisive influence in all societies. Over the last 4000 years, each civilization has at different times had ultimate reasons justifying and mobilizing the forces that it meaning to society16. It is difficult to find a society or a civilization in our history that has not had explicit purpose, known to its members, except during times of

15 Moore (1991) p. 350.

16 Social order is based on the use of force, but also on a system of values granting it legitimacy, as Gaetano Mosca and Antonio Gramsci, two Italian political thinkers, have pointed out,. This system may be religious or secular, as discussed, for example, by Social Contract theoreticians.

upheaval and great uncertainty –ending historical periods or new beginnings–. These upheavals have generally occurred when societies lost control of the forces driving their progress.

Often, certain political ideologies propose the goals for a society to strive for. In addition to creating a system of values and a way of interpreting reality, they define a certain type of society and a notion of happiness or well-being as justification for overthrow of the prevailing system.

This need to strive for a destination, to understand our direction, makes humans historical as well as social animals. We possess a unique trait: awareness of the past and future. This trait not only distinguishes humans as individuals, but also human societies. They, too, have social awareness of the past and the future, and the social relationships that people establish are profoundly marked by this awareness. However, as Eric Hobsbawm points out, this essential trait seems to "water down", dissolving in a succession of present moments. If the generators of purposes, myths, or reasons tend to decline, if ideologies no longer show a destination, how can we judge a society's organization? Every order reflects a purpose and organizations can be explained by the end they pursue. What happens with our societies and political systems when we lose the sense of order that we have followed? How to recreate the anticipation of safe harbor that makes the journey worthwhile, that gives meaning to the crossing? A society without aims produces, among other dramas, an emptying of the very purposes of democracy – unless we can recover an idea of well-being that becomes the ever-renewing goal of society's unfolding.

So, human social animals are inter-related historically with each other, and the idea of a fatherland is linked to this trait. A fatherland is not just a human society, it's also a historical society.17

What do we know about that history without the ideologies that could incite us to create a future, without the weight of the history that drives both continuity and changes? What does a society look like without history, without past or future? How does a society exist when its only reality is the present? And what does politics consist of in these societies, since politics is a way to organize societal life to attain a certain future? What is democracy like, as a particular way to organize, which politics has adopted?

Historical society and 'ahistorical' society see democracy in different and possibly opposing ways. They demand different answers from it and support or reject it for different reasons. That appears to be how it stands today: democracies tied to societies caught in the unending present. This seems to be the democracy of this new century, so far from the one we left behind, too far away for us to understand and construct it.

If our destiny is not written in stone, if today –as in the past– the question about our destiny has no answer other than the one we forge ourselves, it is worth asking ourselves whether we are capable of rebuilding our historical society.

Nowadays, we are witnessing an unusual combination of forces. On the one hand, today political leaders are eager to ascertain what the public wants. Much of their discourse and the proposals they put forward are driven by the preferences supposedly reflected in public opinion surveys. On the other hand, there are forces influencing opinion, usually acting behind the

17" While it is generally granted that nation-states are 'new' and 'historical', the nations they express politically always hark back to time immemorial, and look forward to a boundless future, which is even more important. The magic of nationalism is turning chance into destiny." Anderson (1993), p. 29.

political scenes, to mold thinking, to conceal some issues, to impose others, and to spread their own opinion. Mass media, acting as de facto powers, do most of this work.

Unfortunately, this happens in societies that have been gradually losing sight of their aims and purposes. Both individually and in society, the ends and destinations have been replaced by a series of present-tenses. The combination of these three states of affairs can prove alarming for those who have known other societies and have some knowledge of history. We are living at a time when ends are no longer the *raison d'être* that drives societies. Leaders try to learn about shifting preferences and opinions, and these preferences are largely molded by complex culture-shaping systems managed by private interests.

The rationale described above is different for individuals who are subjected to extreme circumstances, however. One who is hungry, poor, persecuted, and marginalized can hardly aim for something more long-term than a solution to his or her immediate plight.

So, if these two major categories match reality, we have one sector of society aimless, malleable and living in a series of present events, and another sector absorbed in solving its deficiencies and stripped of all aims other than overcoming the injustices it suffers.

Citizen well-being

The goal of good government, regardless of its form, must be to achieve "the greatest possible well-being" for the inhabitants of a society18, and here we will adopt a certain notion of well-being to guide the major ideas on democracy, the concepts underlying it, and the quality of democracy. **The idea of citizen well-being is grounded essentially in the notion of a majority effectively exercising, in a "reasonably" homogeneous fashion, the rights that individuals are entitled to enjoy. Citizenship is essentially the rights each individual experiences and well-being is the rights that society experiences. Forging that well-being is then a social goal. Some basic elements of citizen well-being are the right to life and the State's obligation to protect individuals, the right to demand equal opportunities (beginning with education), and individuals' right to belong to collective groups without being formally discriminated against by the law and the rule of law.**

We conceive of human beings as rights holders in both private and public life. First, these rights are inalienable, they cannot be taken away. Second, positive norms have incorporated these rights almost everywhere in the world. Third, democracy has evolved precisely alongside the growing assimilation of these rights by modern societies.

Citizens, then, are individuals who exercise an array of rights. Where individuals are rights-holders, citizens are 'rights-stakeholders'. Citizens incorporate this idea into their lives and it forms the foundation on which our political organizations are founded as set forth in the Article 1 of the Universal Declaration on Human Rights: "All human beings are born free and equal in dignity and rights."

These nominally recognized rights are exercised to different degrees in societies with different levels of development and at different stages in their history. From this standpoint, well-being

18"The criteria that distinguish good from bad government are, first governance for the common well-being, which is different from governance for one's own good, and second, governance according to established laws (…) which is different from governing arbitrarily". Bobbio, 1986. p. 170.

exists in exercising citizenship. **Citizen well-being is the lasting and effective exercise of rights by the greatest possible number of inhabitants.**

This linkage is particularly explicit in the case of social rights. In practice, a decent standard of living implies the existence of factors that made it possible. "Equal opportunity" must therefore be a purpose of democracy and each society can ensure the application and expansion of rights based on its particular constellation of factors[19]. **The purpose of democracy in this regard is to build consensus and to build the political majorities necessary to attain them.**

Therefore, Latin America's extreme concentration of income and power within certain privileged groups is an obstacle to citizen well-being and is incompatible with the goal of redistributing power, knowledge, and income essential for democracy based on citizenship. Democracy as a public arena involves questioning privilege in the name of rights.

In summary, what we call *creating citizenship* is the capacity to turn nominal rights into actual rights. The widest possible dissemination of citizenship in the community is the social goal proposed by a society geared to social well-being.

The links between well-being, legitimacy, and democratic sustainability

The idea of well-being contains a significant economic component that is in turn linked to the attainment of socio-economic rights. However, the meaning of well-being that we are using in this text goes includes but goes beyond the economic sphere. Still, it would seem appropriate to reiterate its meaning and show how it differs from the broader idea.

The unit of analysis in economic well-being is typically the individual and his or her well-being is measured in terms of 'utility'. Utility is a relative measure of satisfaction generally associated with consumption of goods and services. The assumption is that the higher the utility, the greater the well-being. In this context, social utility is the aggregate of individual utility.20 Yet our analysis maintains that, from a political perspective, well-being is not just the aggregate of "individual utility" but involves the whole set of relationships in society as well.

Current debate on well-being hinges on a constricted vision of well-being, or quality of life, understood as the aspects of life that determine human well-being beyond economic resources.21 In this context, it is useful to discuss three conceptual approaches to quantifying human well-being: 1) subjective well-being, 2) capabilities, and 3) fair allocation.

Subjective well-being approach is a perspective that relies on each individual's perception of her or his own quality of life. This approach, with some "utilitarian" features, helps quantify aggregate levels of "happiness" thanks to recent developments in measurement and survey methodology. It is important to point out that this perspective does hamper comparisons among heterogeneous groups that have different scales of values.

19 Construed to mean the resources and organizational capacity available in a society.
20 There are two major approaches to determining what is socially desirable or optimal: 1) the utilitarian vision (Stuart Mill) according to which society must maximize utility for all individuals comprising it, to achieve the "greatest possible happiness". 2) the Rawlsian vision (Rawls) according to which society should maximize the welfare of the individual who is least favored in terms of utility.
21 See J. Stiglitz, A. Sen, & J.P. Fitoussi, 2008.

The capabilities approach is based on social justice criteria. From this perspective, quality of life mirrors the freedom that individuals have to choose among the different combinations of situations or activities that they care about, and thereby develop their capacities to the utmost[22.]

The fair allocations' approach focuses on including non-quantifiable aspects of quality of life in determining well-being (methodologically similar to the "utility" approach). It takes into consideration the differences in individuals' preferences and abilities and determines the social ideal on the basis of social justice criteria, such as solidarity and equity.

The welfare society

While the economic vision of well-being emphasizes aggregate "individual well-being", our perspective here is more inclined toward assessing well-being in terms of the extent of social dissemination of rights actually exercised. Because it involves the exercise of socio-economic rights, our definition includes economic well-being, which could be present in all three of the dimensions we have just discussed. However, our perspective focuses on the political perspective of well-being. For this reason, we prefer to use the terms **citizen well-being or welfare society, which emphasizes the progressive acquisition of actual rights and comes as a the result of expanding citizenship.**

In short, citizen well-being is the collective exercise of rights –political, civil, and social– and citizenship is the individual acquisition of those rights. For this to happen (acquisition and actual enjoyment), a certain model of social organization and power in society must ensure that rights are actually exercised and must protect the continued enjoyment thereof. This model is afforded by a citizenship-based democracy organized as a republic.

'Instrumental democracy' (necessary but not sufficient condition for democracy) comprises electoral democracy and the checks and balances of a republic's institutions. 'Citizenship democracy' is the system that guarantees the actual enjoyment of rights by most of the public, thereby delivering social well-being. To this extent, citizenship democracy goes beyond electoral democracy and beyond granting just a basic set of core civil rights. Citizen democracy includes, as a precondition, socio-economic rights and the extension of all rights exercised to the majority, i.e., citizen well-being.

So, although it is not democracy's core business to make specific economic policy, democracy does work with the effects of that economic policy to create citizenship, ultimately granting actual economic and social rights. This also clarifies the distinction between economics and democracy. Democracy should not be judged by its economic policy, but rather by the extent to which its economic policies ensure or fail to ensure citizenship, since are the outcomes of economic policy what directly affects the quality of democracy. This issue is of relevance since there are some who criticize including of social citizenship as part of democratic evaluation, arguing that economic policy is the core business of economics, not democracy. Reality is not, of course, divided into disciplines (although the study of reality is) but clearly, to believe that economic outcomes do not affect democratic stability, one would simply have to ignore the history of our continent during the entire 20th century. Democracy must deal with economic outcomes to expand citizenship. An economic policy that concentrates income clearly, in its

22 See A. Sen, 2009.

consequences, contradicts the way that democracy seeks to organize power to grant and disseminate the enjoyment of rights. If social citizenship doesn't expand, it will affect society's well-being, the legitimacy of the democratic system, and the democratic system's capacity to regulate power in the future.

Again, democracy is an organization of power in society, the legitimacy of which is based on elections, on the way it is practiced, on adherence to rule of law, and based on its declared goal of developing political, civil, and social citizenship. That is, it assumes that the collective purpose of society is to improve its welfare. And while greater or lesser levels of well-being do not then imply more or less democracy, they do reflect how well democracy is achieving its aims and this is crucial for medium-term legitimacy.

At first, in the short term, we accept governments because they were elected and they govern by law, and ultimately we accept this method of elected governments that govern by law because we think that in the long run this will improve well-being. Yet if well-being never actually happens, we obviously begin to question the legitimacy of the system. Here, in the medium term, is where democracy finds its greatest danger.

The stages in constructing citizen well-being are, again, specific for each period in history and each particular society, and each of these stages is defined by the degree of citizenship that it is feasible to demand. In this process, the political agenda should focus on the question of social purpose, the meaning of democracy, building attainable citizenship, and ultimately well-being, in other words, those areas where there appears to be a greater need for debate.

In later chapters we will address these questions. In Chapter 3 we offer an analysis of the evolution of democracy in Latin America. In Chapter 4, we underscore three substantive issues that undermine democracy in Latin America: (1) the gap between the constituency and those elected, or the 'crisis of representation', (2) the loss of checks and balances in the State and deficits in republic-style governance, and (3) the un-answered and little-discussed question of governmental power and the characteristics of the new State for a new Latin American democracy. Finally, in Chapter 5 we analyze three basic dimensions of public policies, critical for sustainability of democracy in Latin America: fiscal management, social integration and public security.

Chapter 3: TALLYING UP THE ACHIEVEMENTS AND FAILINGS OF LATIN AMERICAN DEMOCRACY

After the transition: a new phase in the path to democracy

Although Latin America left military authoritarianism behind thirty years ago, the fledgling democracies were still fragile at first and there was always a danger of backsliding. There were *coups d'état* in Venezuela in 2002, in Ecuador in 2000 and 2005[23], and in Honduras in 2009. There have also been disputes in some countries about voting manipulation, freedom of speech, top-heavy presidential governance, independence of and control over the branches of the government, and questions about the roles and competencies of local governments. But the danger of returning to true military dictatorship has, again, largely passed.

Democracy has not been entirely "consolidated", however. As we noted in chapters 1 and 2, by definition democracy is never concluded, never consolidated but continually incomplete. "Democracy is a system always marked by unfinished forms and non-fulfillment".[24] And the next phase is equally or more complex: the post-transition. This is where we encounter major difficulties in expanding the rights of citizenship and obstacles created by concentrations of political power, which oppose democratic goals. This in turn raises questions about the capacity of democracy to survive and to expand its *sustainability*.

The issue is not necessarily whether or not there will be another coup that leads to another authoritarian government in a given country but what degree of 'Caesar-ism' the new system can withstand without losing its essence. And how much insecurity, how much lawlessness, how much poverty, and how much inequality can a democracy withstand?

These are the emerging political issues in redistribution of power **and a suitable name for the experience might be "*Latin America, on a quest for its democratic personality*".** Nobody knows whether these changes will lead to a model of "democracy, Latin American style". Perhaps some countries will not create any new forms of democracy but will instead drag the process out, which could lead to an era of constant tension and conflict, or even some new type of authoritarianism.

To understand this situation in the current Latin American political context we need to examine more closely the political and economic transformations over the last five years, which have changed the conditions for political development. These are:

- the emergence of new political movements and new experiences in governance
- growing recognition of the rights of sectors that were previously subject to discrimination, such as women, indigenous peoples and Afro-descendant peoples
- a deepening trend in some countries toward greater concentration of power in the Executive Branch regardless of political leanings
- widespread acceptance of the urgency of the fight against poverty and, to a lesser degree, the acute inequalities of societies in the region

[23] These were not *coups d'état* in the classical sense and the military played a leading role only in 2000. For more information, see Pión-Berlín (document prepared for the project, 200j9).
[24] P. Rosanvallon, in UNDP, 2004, p. 35.

- generalized questioning of the Washington Consensus and the blanket solution it prescribes while recognizing the need to maintain basic macroeconomic balance and tap the opportunities offered by integration into the world economy
- a certain increase in the autonomy of central political powers and multilateral lending agencies, expressed in the latter case by less pressure from their ‘conditionalities’
- emergence of Latin America as a power with increasing weight on the world stage
- growing recognition of the need for regional cooperation and integration with increased debate on how to do it

STAKEHOLDER VIEWS AND POSITIONS 3.1

"Transition is consolidated by alternation in exercising power."
Vice President of Paraguay, 26-10-09.

"The concept of 'redemocratization' is not applicable to most countries in Central America, which since independence have not seen democracy or party systems, but dictatorial regimes or oligarchy-military alliances […] Speaking of redemocratizing Central America is an error. In Central America we are beginning to build democracy, and finishing the construction of the State."
Scholar and ex-politician from Costa Rica, 16/11/09.

"Our democracy began as a springtime democracy; we thought it would flourish […] However, we have in practice seen decadence, because […] our institutions have weakened, the State has weakened since the Washington Consensus, there have been adjustments and re-adjustments, and historical inequalities remain in place."
indigenous-rights legislator from Guatemala, 9/11/09.

"The grassroots majority is dissatisfied with the way the political system works and the results of government administration. In Argentina, democratic restoration in 1983 elicited tremendous popular participation, followed by progressive decline in citizens' adhesion. In Latin America, and doubtlessly in Argentina, we still feel absolute revulsion toward military dictatorships and their deadly consequences, but our love affair with democracy has largely withered. The passion we felt for recovering democracy is now gone."
Ex legislator and party leader from Argentina, 27/04/10.

"People are not happy with what we have achieved, and they demand more of democracy than just formal freedoms and fair popular elections. People are demanding for democracy to touch their skin. If not, trust will continue to erode, not only trust in the political class, but – more alarmingly – trust in the fundamental institutions of democracy. The same public who say that parliaments and parties are indispensable also call them ineffective and corrupt."
Representative of Legislature from the Dominican Republic, 16/11/09.

"There are reasons for optimism: not only are our governments democratically elected; they all also attempt to address the central issue of our societies, which is inequality, incorporating sectors that used to be excluded from decision-making. […] That vigor of politics was what got a factory worker elected as President of Brazil, an indigenous man elected in Bolivia, women elected in Argentina, Chile and Costa Rica; and enabled a person such as President Lugo to end decades of political monopoly by a single party in Paraguay."
High-level official of Brazil's foreign ministry, 27/04/10.

"Taking an optimistic vantage point, we can say that 60% of Central America's people have lived without violent conflicts and in an environment of democracy like the one we have. But this begins to be a democracy that is tiring of the way it is working."
Scholar from Guatemala 1, 9/11/09.

"Many years ago, we used to say that we shouldn't demand so much of democracy to avoid over-burdening it. This idea must be left behind, because parties and governments cannot keep any citizen from thinking that, if democracy means equality, why limit it to voting?"
Mexican scholar 2, 22/03/10; paraphrased.

"There is too much optimism about democratic institutions, as if there were no going back; However, there are indeed risks of democratic backsliding (what Charles Tilly calls "dis-democratization"). Plus there are more subtle issues of democratic degradation."
International civil servant in Colombia, 16/02/10; paraphrased.

STAKEHOLDER VIEWS AND POSITIONS 3.2

"We have a world and a continent that are quite differentiated, and political rhythms are different and yield diverse issues."
Vice Minister of the Executive Branch 2 from Bolivia, 9/03/10.

"Just like persons, each country has its own history, customs, problems, dreams, utopias, and frustrations, even though they belong to the same family. […] [Problems] touch us differently; this makes it important to learn about other experiences, which ultimately also have much in common. We have to resist the temptation of self-benchmarking and believing that our way of solving problems is unique, or that neighbors' problems won't affect us."
Legislator from Chile, 27/04/10.

"We are increasingly different, and it is complicated to formulate visions reflecting any trend in the international system because the specific, particular features of each national reality have a weight that is crucial to take into account. I think this has been the case since the debt crisis that broke out in Mexico in 1982, but has become more accentuated over time. […]

What could Brazil and Haiti have in common today, Argentina with Honduras, or Chile with Nicaragua, just to mention three of the countries with the least productive potential and greatest difficulties consolidating their democratic processes? First of all, then, the region is segmented; this is a time of national experiences where even subregional groupings are no longer definitive. But still we have to think from a perspective of our Latin America, and lately our South America, and that exercise is always hugely interesting."
Ex-ambassador and ex-minister of the Executive Branch in Chile, 26/04/10.

"There is no one agenda, but various agendas. Trying to homogenize all the countries and imagine in any way that constructing citizenship is the same everywhere is a mistake. Citizenship has no homogenous logic."
Representative of a municipality in Bolivia, 9/03/10.

"That saying that, when you describe your village, you describe the world, is quite true. The main un-solved problems are present, although with different entities, in all our countries: none can claim to have full, complete, guaranteed institutional life as a republic; or that they have solved their problems of economic growth with distribution of income and social problems."
Ex-legislator and party leader from Argentina, 27/04/10.

Until recently most of these ideas were politically polarizing but now a politician in the region would scarcely dare object to them. So perhaps without even realizing it we have achieved a kind of consensus on core objectives.

Still, little progress has been made on proposing a means to attain these goals. While no one disagrees with the principles and aims put forth in political discourse over most of the ideological spectrum, we do seem to be ignoring or concealing what should be driving the debate: lingering disagreements about how to achieve these goals.

Yet a political system also develops in a given setting with certain stakeholders, with its own history and preferably with objectives. Democracy is not abstract or timeless. It develops in the context of a Nation. It is 'give-and-take' with the Nation. It organizes society and the State and it

is also modeled by their history and their future. Thus, discussing democracy outside the context of the national experience leaves the debate somewhat flat. Democracy is not conceivable outside the relationships that grow up in actual societies during specific eras in their history. In other words, the form of a democracy is tied to the form of the Nation. Similarly, the Nation is a space differentiated from other Nations, with whom it coexists, who it confronts at times, with whom it cooperates, and with whom it competes. It cannot be understood aside from its links to the world. This has always been true, with or without what we are calling nation-states, but is particularly true now in the age of globalization.

So democracy is real only in a precise national and world context, and while it's not the purpose of this report to discuss the relationship among democracy, the State, the effect of *de facto* powers within, and its external sovereignty in terms of world interdependence, we must discuss some critical aspects of the State and of the hurdles and purposes that democracy may confront.

Individual democracies in the world system

What is the relationship between an individual democracy and the world system? The way the power of the State is limited, the way *de facto* powers interact with other parties abroad, solutions to problems and how they play out over time, all of these depend on a democracy's level of integration with the world. No nation is an island. All countries interact with other countries, but asymmetrically and with different impacts. Studying these impacts on the democratic system is crucial to sustainability. The world is not something alien and remote from national society. It lives at the same time and behaves as if it lived in the same space.

In constructing world relationships, subregional integration processes naturally play a decisive role, then, and a group of nations' capacity to negotiate with the rest of the world partly compensates for imbalances in political, military, and economic power. The experience of the Río Group, of Mercosur, of the Andean Community, and of SICA, among others, shows the benefits of collective negotiation for giving disadvantaged societies a better place in a system of harshly unequal power. Trans-national threats to democracy, transnational drug trafficking, organized crime, and illegal extraction of natural resources all require better regional cooperation and integration, for example. This kind of integration is closely linked to democracy and the 'feedback' between the two can serve to strengthen or weaken them.

Citizenship in Latin America: current status and trends

In the previous chapter we discussed how citizenship is both one of the prerequisites for a successful democracy and one of the benefits *of* a successful democracy, and discussion of citizenship brings us to the issue of the 'quality'. Citizenship is a gauge of how far a democracy has developed. The concept of voting, for example, goes hand in hand with citizenship and is one instrument of democracy so that more people can enjoy their rights in actual practice. In short, the more citizenship, the greater the quality of the democracy and the greater the quality of the democracy, the more citizenship. But the lower the quality, the less sustainable it is. These gaps in citizenship are the lingering issues on the Latin American democratic agenda.

Political Citizenship

Political citizenship, the sphere of citizenship that includes the way one reaches public office and the way the government makes decisions, is the natural entry point to discuss citizenship in general since it includes a basic democratic right: citizens' right to run for elected office and to participate in electing their officials. If this right is not recognized, it's not a democracy. Discussion of political citizenship also involves several topics that go beyond citizen participation in electing officials, to issues of access to public office and to two further issues that have been hotly debated recently: government decision-making and how to design a constitution – the fundamental law that establishes the overall parameters for access to public office and for government decision-making (see Chart 3.1).

CHART 3.1

Aspects of political citizenship

Aspect	Democratic Standard	Democratic Quality
I. Access to public office	Inclusive, fair, free elections Elections as the means to access public office	Electoral democracy
II. Government decision-making (*)	Checks and balances, among elected authorities	Horizontal accountability among elected authorities
III. Design of the Constitutional Framework	Power of the citizens or their representatives to change the constitution Constitutional changes through democratic processes (**)	A democratically created constitution

Notes: (*) The term "government" is used in a broad sense, including the Executive Branch and the Legislative Branch.

(**) By " democratic processes " we understand: i) inclusive, fair, free elections of a Constitutional Assembly or the authorities with the mandate to change the constitution; ii) drafting and approval of the Constitution's wording according to rules; iii) ratification of the Constitution's text by inclusive, fair, free election or by the vote of elected authorities.

Access to public office

In Latin America, elections are firmly established as the only way to access public office. Presidential and congressional elections occur regularly. Their outcomes are sometimes challenged, and in numerous cases they are overseen by multilateral organizations such as the OAS (see Chart 3.2).

Chart 3.2

Elections for President and Congress. Latin America (2000-2009)

Country	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Argentina		Cb, Ca		Pr, Cb, Ca		Cb, Ca		Pr, Cb, Ca		Cb, Ca
Bolivia			Pr, Cb, Ca			Pr, Cb, Ca			Pr (*)	Pr, Cb, Ca
Brazil			Pr, Cb, Ca				Pr, Cb, Ca			
Chile		Cb, Ca				Pr, Cb, Ca				Pr, Cb, Ca
Colombia			Pr, Cb, Ca				Pr, Cb, Ca			
Costa Rica			Pr, Cu				Pr, Cu			
Ecuador			Pr, Cu				Pr, Cu			
El Salvador	Cu			Cu	Pr		Cu			Pr, Cu
Guatemala				Pr, Cu				Pr, Cu		
Honduras		Pr, Cu				Pr, Cu				Pr, Cu
Mexico	Pr, Cb, Ca			Cb, Ca						Cb
Nicaragua		Pr, Cu					Pr, Cu			
Panama					Pr, Cu					Pr, Cu
Paraguay				Pr, Cb, Ca					Pr, Cb, Ca	
Peru	Pr, Cu	Pr, Cu					Pr, Cu			
Dominican Rep.	Pr		Cb, Ca		Pr		Cb, Ca		Pr	
Uruguay					Pr, Cb, Ca					Pr, Cb, Ca
Venezuela	Pr, Cu				Pr(*)	Cu	Pr			

Notes: Pr=President, Cb=Lower chamber of Parliament, Ca=Upper chamber of Parliament, Cu=Single-chamber system. The year of presidential elections refers to the first or only round of voting, as the case may be. (*) Elections in Venezuela (2004) and Bolivia (2008) were referenda on annulment of the president's term

Source: Prepared by the authors on the basis of data from Munck, 2009.

Aside from the fact that these elections occur at all, the current situation regarding their quality has also been largely positive. Yet one lingering issue is the inability of citizens from some groups to actually exercise their voting rights because they lack the necessary documentation. Armed illegal bands in Colombia also continue to hamper the electoral process, affecting the freedom of both voters and candidates to participate. And there is a similar situation in Guatemala, where criminal violence, insecurity, and weaknesses in governance limit open, full political participation. Then there is undue use of public funds and illegal funding in campaigns as well as political proscriptions, all of which affect the quality of elections and of democracy itself.

Yet since the 2000 election in Peru, no election in Latin America has triggered a general crisis. Several elections have had very close results, such as in Costa Rica, Mexico, and Peru, all in 2006 (first round), and in some cases the results were contested by electoral authorities. But only in Venezuela's impeachment referendum in 2004 and parliamentary elections in 2005, and in Mexico in 2006, was there serious questioning of the electoral process by the opposition.

Elsewhere in some countries there has been indirect pressure by government on opposition candidates to prevent them from running, illegal campaign funding, and paramilitary influence in some districts. In still others, the results of municipal elections have been manipulated or, when opposition party candidates have won, they have been disempowered or sued.

A more alarming trend is the interruption of terms or withdrawal of elected presidents. This is a problem that began in the 1990s and has continued through the early years of this century and shows that even with the end of military dictatorship, our democracies are not free from risks. Only now the risks are different.

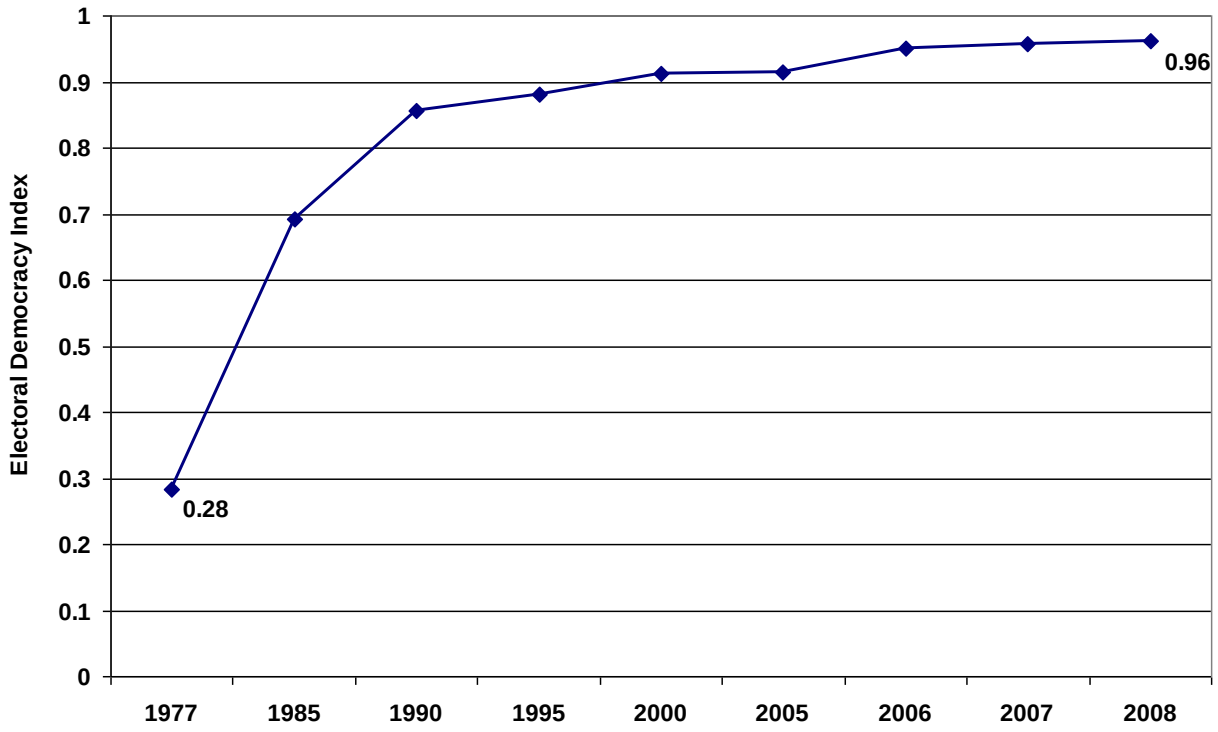
Over the last 20 years in Latin America 18 presidents did not finish their terms. None of them was accused of taking power illegally[25], so their legitimacy of origin was not questioned, rather their performance. These cases where elected presidents were been removed under difficult circumstances are well known. This occurred in Argentina in 2001, in Bolivia in 2003, in Ecuador in 1997, 2000, and 2005), in Venezuela briefly in 2002, and more recently Honduras in 2009).[26] In other countries, such crises have been resolved largely thanks to preventative actions by the international community, as in Nicaragua in 2005. But the crisis in Honduras in 2009 demonstrated best the urgent need for effective instruments to prevent crises of governability and political conflict.

The Electoral Democracy Index (EDI), prepared for the 2004 UNDP report and updated for this study, illustrates significant progress overall in Latin America, however (see Graph 3.1). Electoral procedures have improved markedly, jumping from a score of .28 in 1977 to .96 in 2008 (where 0 is the lowest and 1 is the highest). Yet this indicator includes only the basic elements to define an electoral democracy, so many distortions in elections, as mentioned above, are not reflected.[27] Still, the region has clearly left behind the long night of military authoritarianism, where a minority took over the right to interpret and decide the lives of citizens.

[25]Alberto Fujimori's access to the presidency after the 2000 election could be considered an exception to this assertion.
[26]Part of this difficult phenomenon regarding elected authorities' stability in office has been removal of parliamentarians. However, this has not occurred since Fujimori's 1992 coup and the failed coup by Serrano in Guatemala (1993). Another related phenomenon involves public offices that are not elective to begin with, as in Chile's Senate (partly) from 1990 up to the constitutional reform in 2005.
[27]The four basic components for the EDI are: voting, honest elections, free elections, and elected public offices. For a complete methodological note on the EDI, see UNDP, 2004. p. 207.

GRAPH 3.1

Electoral Democracy Index (EDI) in Latin America (1977-2008)



Note: The EDI is based on four indicators: 1) voting rights, 2) whether elections are honest, 3) whether elections are free, 4) whether one accesses public office through elections. Higher values are closer to the principles of electoral democracy.

Source: Prepared for this study on the basis of data from Munck (2009).

Access to power since the end of conflict

This represents a tremendous change. Where between 1930 and 1980 over one-third of the changes in government were done irregularly, mostly through military coups[28], now, with the exception of Honduras, although a military influence is still present in some countries and although rumors of coups still circulate, the threat has, again, largely passed. Guerrilla groups that formed in some countries after the Cuban revolution, and which have hampered elections in the past, have also disappeared, except in Colombia, where para-military groups are still present in some regions.

In large part the guerrillas that were active in the 1980s have now either joined the electoral process, as in Nicaragua, El Salvador, Guatemala, and partly in Colombia, or have been defeated by the military, as in Peru.[29] **Thus has violence been replaced by voting as a**

[28] A study by David Scott Palmer, cited by Valenzuela, 2004, p. 5, found that, from 1930 to 1980, in 37 countries in Latin America and the Caribbean, there were 277 changes of government and that in 104 cases (37.5 %) this change was by military coup. Another study, by Waldino Cleto Suárez, 1982, p. 121, focused on 20 countries (the 18 countries covered by this report plus Cuba and Haiti) during approximately the same period, and found that 36.4% of presidents came to power by irregular means.

[29] Regarding the change in the Left that has led to laying down their weapons, see Castañeda (1995).

means of access to power and elected Heads of State are more likely to serve out their terms peacefully. The value of this change can't be over-emphasized.

There are still challenges but they don't diminish the significance of electoral democracy. Where in the 1960s it was common (and still common even today) to hear the criticism that representative democracy is merely a formality, now it appears to be actually delivering results. At times it may still appear a formality, but here we could ask, for example, is the right to *habeas corpus* merely a formality? Norberto Bobbio observed once that "people who are committed to social change ought to defend, above all, the rule of law. You can change the elements within rule of law but if the new contents are not framed within structures of the rule of law, they will simply end up becoming new instruments for inequality and oppression".[30] **Nevertheless, new political forces have taken office through electoral processes over the last decade in Latin America, several of them progressive and with ambitious proposals for social reform.**

[30] Interview with Norberto Bobbio cited in H. Muñoz, 2006, p. 2.

CHART 3.4

Representation of women and indigenous people in parliaments

Representation of Women in Parliaments and Cabinets in Latin America, 2008-09

Country	% of Women in the Lower Chamber, 2009	% of Women in the Upper Chamber, 2009	% of Female Ministers of State, 2008
Argentina	38.5	35.2	23.1
Bolivia	25.4	47.2	23.5
Brazil	8.8	12.3	11.4
Chile	14.2	13.2	40.7
Colombia	8.4	11.8	23.1
Costa Rica	36.8	n.a.	29.4
Ecuador	32.3	n.a.	35.3
El Salvador	19.0	n.a.	38.9
Guatemala	12.0	n.a.	6.7
Honduras	18.0	n.a.	14.3
Mexico	26.2	19.5	15.8
Nicaragua	20.7	n.a.	33.3
Panama	8.5	n.a.	23.1
Paraguay	12.5	15.6	18.9
Peru	27.5	n.a.	29.4
Dominican Republic	19.7	3.1	14.5
Uruguay	15.2	12.9	28.6
Venezuela	17.5	n.a.	21.4
Latin America	20.1	19.0	24.0

Source: Inter-Parliamentary Union, 2010.

Indigenous Representation in the Parliaments of Latin America, c.2005

Country	Election year	% of Indigenous Members of the Lower Chamber	% of Indigenous Members of the Upper Chamber
Bolivia	2005	43.08	14.81
Colombia	2006	1.21	0.98
Ecuador	2006	4.00	n.r.
Guatemala	2003	9.49	n.r.
Mexico	2003	1.20	0.78
Peru	2006	5.83	n.r.
Venezuela	2005	3.03	n.r.

Source: Roza, 2007, Table 3, p. 3.

Note: n.a. = not applicable. The regional data are the average or midpoint for each case. The data on the percentage of women in Congress (both chambers) are updated to 2009, including changes recorded in elections that year. Data on female Ministers of State reflect the situation as of early 2008, except for Honduras (which shows data for 2005). n.r. = The information is not relevant.

Leaders have reached the presidency who could hardly be called traditional or elitist and, although their political representation is still insufficient (see Chart 3.4), indigenous and Afro-Caribbean populations are being brought in from the margins. Former leaders of labor unions and social movements have become presidents as well, including several women.

Women's participation in political life is a clear example of the deepening of political citizenship and access to power and some countries have established quota systems to encourage this.[31] Yet overall female representation remains largely insufficient **and the increase in women's political citizenship has not been accompanied by marked progress in civil and social spheres.** Women's economic and physical autonomy remains conditioned by gender inequality, by job discrimination, and by inadequate protection from physical violence. Other groups also suffer a diminished citizenship, for physical reasons or because of their sexual identity.

'Local' democracy

Democracy has also grown at the local level as reflected in the widespread popular election of State, departmental, and provincial authorities, and in increased competencies and resources at these levels of government (although often without sufficient institutional capacity-building). Local settings in several countries have given rise to new political figures and innovation in citizen participation. In some contexts, subordination to national authorities is still common however, and there are still cases of open restrictions by national power on local exercise of functions granted by the constitution and the law. In yet other cases, sub-national governments seem to be moving away from a vision of innovative democratic experiences and toward authoritarianism again, or are clinging to undesirable political practices, such as clientelism.[32]

[31] Previously, in Latin America, only two persons of indigenous origin had become president (Benito Juárez, President of Mexico from 1858 to 1872, and Alejandro Toledo, President of Peru from 2001 to 2006), and two women (Violeta Barrios de Chamorro, President of Nicaragua from 1990 to 1997, and Mireya Moscoso, President of Panama from 1999 to 2004). For more on women's representation in politics, see Llanos and Sample, 2008, and Luna, Roza and Vega, 2008.

[32] See the concept of "brown zones" in G. O'Donnell, 1993, p. 125-159.

STAKEHOLDER VIEWS AND POSITIONS 3.3

"We have suffered two major defeats: first, the idea that we had constructed generalized fair electoral processes that all contenders could accept. In Mexico's July 2006 election, with a practically mathematical tie vote, one of the stakeholders, Manuel López-Obrador, questioned and disqualified the electoral process that he had thought he won, when the official results from IFE said he barely lost. […] Secondly, the idea that traditional coups no longer happen in Latin America was dramatically disproven by the dramatic episode in Honduras. In politics, nothing lasts forever; political processes are inherently provisional, and what we thought was solid and final at one point later crumbles."
Ex-ambassador and ex-minister of the Executive Branch from Chile, 26/04/10.

"In many countries, and mine as well, the difference [between electoral democracy and citizen democracy] is drawn to underestimate – if not criticize – electoral democracy, as if the results of elections or other processes to gauge public desires did not concretely match other, more general, paradigms of citizen democracy. To put it more clearly: we often say that there is an actual electoral trend in one direction or another, but that means there is a low degree of social consciousness, a low level of citizenship-building. The concept of citizen democracy, although absolutely relevant from a theoretical standpoint, can in practice be used as a criterion to undermine electoral democracy."
High-level official of the Executive Branch in Brazil, 26/04/10.

"Subregional entities must take care of our asset of having democracy in the region. […] They cannot get very involved or have much impact on democratic governance in each country. However, they can guarantee a process of electoral competition that is absolutely transparent, because even governments that subordinate institutional interests to wielding power can be defeated in the voting booth. Regional institutions must carefully ensure transparent procedures in electoral competition."
Exlegislator and ex-vice president of Argentina,

"Discrimination against the indigenous peoples also has political roots in the lack of democratic openings in political parties."
Representative of a CSO from Guatemala 1, 10/11/09.

"The idea persists that indigenous people are a hindrance to development and a problem for democracy. Democracy must be taken to a different setting and culture from those for which it was originally conceived. We don't want the indigenous people to continue as the local color of democracy, but as political stakeholders."
Leader of a Colombian indigenous organization, 17/02/10; paraphrased.

"We cannot build a democracy with the political players we have now […] We will need to mold new political players. When the United States wanted to reduce the impact of racism and discrimination, the first thing they did was construct universities where Afro-descendants could learn and think about the kind of society they wanted. If not, we fall in traps such as the participation trap. In the last few years, I have participated in more things than you would believe, but I have seen so little change. Afro-descendants are nominally included in Colombia, but when decisions are made, changes proposed, budgets drafted… well, there are many activities that are not for the poor."
Afro-Colombian leader, 17/02/10; paraphrased.

"[Indigenous and women] are proposing an amendment to Article 212 [of the Law on Elections and Political Parties], and with alternation as a fundamental principle – participation by men and women, by Mayas and Latinos, to attain equitable participation in practice. But this must also be reinforced in the by-laws of political parties. It would be good for political parties to realize that participatory, representative, inclusive democracy must begin with their by-laws."
Indigenous woman legislator from Guatemala, 10/11/09.

27/04/10.

STAKEHOLDER VIEWS AND POSITIONS 3.3 (continued)

"Multiple processes to transform the relation between the citizenry and the State in territories have been advancing. Municipalities, regions or departments are becoming privileged settings to construct citizenship by constituting multiple mechanisms to involve the citizenry in decision-making about strategic issues. Local democracy has enormous potential, but also tremendous limits."
Representative of a foundation from El Salvador, 18/03/10; paraphrased.

"Decentralization must be accompanied by the necessary resources to perform properly, and the regions must be empowered to administer essential public services. In sum, the more decentralization, the more representation, the more transparency, and the more democracy of participation."
Colombian ex-foreign minister – written comment.

"How to develop citizen democracy in countries with millions of poor, where poverty enables any party, whatever their ideological position, to buy votes?"
Representative of a Mexican political party 1, 22/03/10; paraphrased.

Government decision-making

After electoral democracy, the next step is government decision-making (see Chart 3.1). This issue has been extensively discussed in Latin America, justifying its inclusion in debate on the argument that an assessment of political power must not focus solely on legitimacy of origin. Discussion of this topic has consistently highlighted the importance of checks and balances between the Executive and parliamentary branches of the State, both elected by the people.

This is issue is also directly related to the quality of democracy. This is a direct matter of 'democratic quality'. Inappropriate origin is in contradiction with democracy, but also (although often not talked about) inappropriate exercise of power is in contradiction with democracy. Decision-making ultimately entails wielding power and, if this tramples individual or collective rights, it is certainly not constructing citizenship and may sometimes be actually destroying it. Far from a formality, this strikes at the heart of democratic rule of law, because it affects the relationship among citizens and the State.

The formal powers of the presidents of Latin American countries in legislative matters are, in general, considerable and go far beyond the powers of the presidents of the United States, for example, whose constitution served as a model for many Latin American constitutions (UNDP 2004a, p. 93; 2004b: p. 74-79; Munck, Bosworth and Phillips 2008, p. 467-69). Also, as several studies about the legislative branch have shown, the Executive tends to promote the most important laws.[33]

Neither is the relationship between presidents and parliaments adequately balanced in many countries. **The clearest evidence of this is found in the special legislative powers given to some presidents, such as the power of the constitutional decree, understood as a power**

[33] For comparative data on legislative success, see García-Montero, 2007, and Alcántara and García-Montero, 2008, p. 3-5.

granted by the constitution directly to presidents to enact laws without having to go through a congress, or the power of the delegated decree, understood as the power granted by the constitution for presidents to enact laws without having to turn to a congress, or in those cases where the congress decides to delegate this legislative power to the Executive.[34]

A comparative look around the region shows that countries differ in terms of:

i) giving presidents special legislative powers
ii) the scope and effect of these powers
iii) how often these powers are used

Regarding the normative framework, there are currently three different ways that presidents are empowered (see Chart 3.5). In some countries, presidents have no constitutional decree or delegated decree powers. This is currently the case in Guatemala and two other countries where these powers were repealed in the 1990s: Nicaragua and Paraguay. In another group of countries, presidents have one of these powers. This is the case in Costa Rica, Ecuador, El Salvador, Honduras, Mexico, Panama, the Dominican Republic, and Uruguay. Finally, in a last group of countries, presidents have both the constitutional decree and the delegated decree powers. This is the situation in Argentina, Bolivia, Brazil, Chile, Colombia, Peru, and Venezuela.

Where presidents do have the power to decree laws, the normative framework also varies regarding the scope of these powers: the areas in which legislation may be decreed, the legal effect and the role that congress can play once the Executive Branch has issued a decree. Here a distinction may be made in terms of the strength of the corresponding branches. Some presidents are currently more restricted, such as in Brazil, Colombia, Costa Rica, El Salvador, Honduras, Mexico, Panama, the Dominican Republic, and Uruguay. Some presidents have stronger powers, such as in Argentina, Bolivia, Chile, Ecuador, Peru, and Venezuela. Thus, presidents' powers vary considerably in terms of their special legislative capacities.

[34] In different countries the power of constitutional decrees has different names, including the power to issue decrees of urgency, decrees of necessity and urgency, decree-laws, provisional measures with the force of law, supreme decrees, etc. These decrees, like delegated decrees, must be distinguished from regular decrees, for administrative purposes or to issue regulations, which practically every executive branch in the world can issue. Regarding distinctions among different types of decrees, see Shugart and Mainwaring, 1997, p. 44-47, Carey and Shugart, 1998, p. 9-14, and García-Montero, 2008, p. 62-65.

CHART 3.5

Special legislative powers of Latin American presidents in the normative framework (1980-2007)

COUNTRY	TYPE OF POWER	MECHANISM	SCOPE	EFFECTIVE
Argentina	Constitutional Decree	1983-94: Yes, *de facto* 1994-2007: Yes	Quite broad: in almost any area Quite broad: in almost any area	Becomes a permanent law immediately. Becomes a permanent law immediately.
	Delegated Decree	1983-94: No 1994-2007: Yes	n.r. In the Law, restricted: for emergency issues; in practice, quite broad: in almost any area	n.r. Becomes a permanent law immediately.
Bolivia	Constitutional Decree	1985-2007: Yes, de facto	n.d.	n.d.
	Delegated Decree	Yes, de facto		
Brazil	Constitutional Decree	1985-88: Yes 1988-2007: Yes	Quite broad: in almost any area Quite broad: in almost any area	Becomes a permanent law immediately. Becomes a temporary law and, if Congress does not act, the Executive may extend its effective period.
	Delegated Decree	1985-2007: Yes	Restricted	n.d.
Chile	Constitutional Decree	1990-2007: Yes	Broad: for budget issues	Becomes a law if Congress does not act in 60 days.
	Delegated Decree	1990-2007: Yes	Broad	n.d.

CHART 3.5 (continued)

Special legislative powers of Latin American presidents in the normative framework (1980-2007)

COUNTRY	TYPE OF POWER	MECHANISM	SCOPE	EFFECTIVE
Colombia	Constitutional Decree	1980-91: Yes *	Quite broad	Becomes a temporary law (during the emergency) ††
		1991-2007: Yes *	Broad	Becomes a temporary law, for a maximum of 120 days in the case of decrees issued during a "State of Economic Emergency," and 180 days in the case of decrees issued during an "in-country disturbance," without any action by Congress.
	Delegated Decree	1980-91: Yes	Quite broad	Becomes a permanent law immediately.
		1991-2007: Yes	Broad	Becomes a permanent law immediately but may be repealed or amended by Congress.
Costa Rica	Constitutional Decree	1980-2007: Yes **	n.d.	Becomes a temporary law but, to remain in effect, must subsequently be ratified by Congress.
	Delegated Decree	1980-2007: No	n.r.	-
Ecuador	Constitutional Decree	1980-83: No	n.r.	-
		1984-2007: Yes	n.d.	Becomes a permanent law if Congress does not act soon (1984-98, in 15 days; 1998-2007, in 30 days)
	Delegated Decree	1980-2007: No	n.r.	n.r.

CHART 3.5 (continued)

Special legislative powers of Latin American presidents in the normative framework (1980-2007)

COUNTRY	TYPE OF POWER	MECHANISM	SCOPE	EFFECTIVE
Ecuador	Constitutional Decree	1980-83: No 1984-2007: Yes	n.r. n.d.	- Becomes a permanent law if Congress does not act soon (1984-98, in 15 days; 1998-2007, in 30 days)
	Delegated Decree	1980-2007: No	n.r.	n.r.
El Salvador	Constitutional Decree	1983-2007: Yes *	n.d.	n.d.
	Delegated Decree	1983-2007: No	n.r.	n.r.
Guatemala	Constitutional Decree	1986-2007: No	n.r.	n.r.
	Delegated Decree	1986-2007: No	n.r.	n.r.
Honduras	Constitutional Decree	1982-2007: Yes	Broad: in economic and financial matters	n.d.
	Delegated Decree	1982-2007: No	n.r.	n.r.
Mexico	Constitutional Decree	1980-2007: No ***	n.r.	n.r.
	Delegated Decree	1980-2007: Yes	Restricted: in commercial matters	Becomes a temporary law and is submitted for approval when the President sends the fiscal budget to Congress.
Nicaragua	Constitutional Decree	1987-95: Yes 1995-2007: No	Broad: in fiscal matters n.r.	n.d. n.r.
	Delegated Decree	1987-95: Yes 1995-2007: No	n.d. n.r.	n.d. n.r.
Panama	Constitutional Decree	1983-2007: No	n.r.	n.r.
	Delegated Decree	1983-2007: Yes †	Restricted	n.d.

CHART 3.5 (continued)

Special legislative powers of Latin American presidents in the normative framework (1980-2007)

COUNTRY	TYPE OF POWER	MECHANISM	SCOPE	EFFECTIVE
Paraguay	Constitutional Decree	1980-92: Yes ** 1992-2007: No	n.d. n.r.	n.d. n.r.
	Delegated Decree	1992-2007: No	n.r.	n.r.
Peru	Constitutional Decree	1980-93: Yes, de facto 1993-2007: Yes	Broad: in economic and financial matters Broad: in economic and financial matters	Becomes a permanent law immediately; Congress' powers are vague. Becomes a permanent law immediately but may be repealed or amended by Congress.
	Delegated Decree	1980-2007: Yes	Quite broad	Becomes a permanent law immediately but may be repealed by Congress.
Dominican Republic	Constitutional Decree	1980-2007: Yes	Broad: for budget issues	n.d.
	Delegated Decree	1980-2007: No	n.r.	n.r.
Uruguay	Constitutional Decree	1985-2007: Yes	n.r.	Becomes a permanent law if Congress does not act in 45 days.
	Delegated Decree	1985-2007: No	n.r.	n.d.
Venezuela	Constitutional Decree	1980-2007: Yes *	n.d.	n.r.
	Delegated Decree	1982-2007: Yes 1999-2007: Yes	Broad Very broad (unlimited)	n.d. n.d.

Note: n.r. = The information is not relevant. n.d. = the information is not available. (*) In the cases of Colombia and Venezuela, the President can assume the power to issue decree-laws by declaring a State of Exception. In El Salvador, legislation by decree is possible under the circumstances established in Article 29 of the Constitution (case of war, invasion of the territory, rebellion, sedition, catastrophe, epidemic or other general calamity, or serious disturbances of public order). (**) In Costa Rica (and in Paraguay up to 1992), the President is (was) implicitly authorized to issue emergency decrees when the Legislative Assembly is (was) not in session. (***) The only exception concerns health-related matters. (†) In fact, decrees are permanent because in Colombia the State of Emergency is practically permanent. Also, when the State of Emergency was canceled in 1991, the provisions issues while empowered by the State of Emergency were adopted as permanent legislation, again by decree. (††) Only when the Legislative Assembly is not in session.

Sources: Prepared for this study using the constitutions of the countries in the region.

Beyond the normative framework it is crucial to assess how often these powers are employed (see Chart 3.6). Some cases stand apart because these powers have never been used, such as in Chile and Uruguay, while in the other countries, use of this power varies considerably over time and frequently does not tend to be associated with governments of any particular ideological leaning. For instance, decrees have been used both to push market reforms and to nationalize. However, some countries have certainly been more likely to use decrees than others and the data reflect the concentration of power with the presidents of Argentina, Brazil, Peru, Venezuela, and, to a lesser degree, Colombia, which are just one-third of the countries in the region.

CHART 3.6

Special legislative powers of Latin American Presidents, using decree powers (1980-2007)

COUNTRY	PRESIDENT (YEARS)	Nº OF DECREES		
		CONSTITUTIONAL DECREES	DELEGATED DECREES	TOTAL
Argentina	Alfonsín (1983-89)	11	n.r.	11
	Menem I (1989-95)	151	n.r.	151
	Menem II (1995-99)	98	43	141
	de la Rúa (1999-2001)	73	83	156
	Duhalde (2002-03)	151	41	192
	N. Kirchner (2003-07)	231	58	289
	C. Kirchner (2007-November 2008)	1	1	2
Bolivia	1985-2007	n.d.	n.d.	n.d.
Brazil *	Sarney (1985--90)	327	0	327
	Collor (1990-92)	89	2	91
	Franco (1992-94)	142	0	142
	Cardoso I (1995-98)	160	0	160
	Cardoso II (1999-2002)	205	0	205
	Lula I (2003-06)	240	0	240
	Lula II (2007-November 2008)	103	0	103
Chile	1990-2007	0	0	0
Colombia	Gaviria (1990-04)	88	53	141
	Samper (1994-98)	32	46	78
	Pastrana (1998-2002)	16	76	92
	Uribe I (2002-06)	17	25	42
	Uribe II (2006-November 2008)	6	6	12
Costa Rica	1990-2007	n.d.	n.r.	n.r.
Ecuador	Hurtado (1981-84)	12	n.r.	12
	Febres Cordero (1984-88)	21	n.r.	21
	Borja (1988-92)	13	n.r.	13
	Durán-Ballén (1992-96)	18	n.r.	18
	Bucaram (1996-97)	3	n.r.	3
	Alarcón (1997-98)	16	n.r.	16
	Mahuad (1998-2000)	13	n.r.	13
	Noboa (2000-03)	1	n.r.	1
	2003-07	n.d.	n.r.	n.d
El Salvador	1983-2007	n.d.	n.r.	n.d.

CHART 3.6 (continued)

Special legislative powers of Latin American Presidents, using decree powers (1980-2007)

COUNTRY	PRESIDENT (YEARS)	Nº OF DECREES		
		CONSTITUTIONAL DECREES	DELEGATED DECREES	TOTAL
Guatemala	1986-2007	n.r.	n.r.	n.r.
Honduras	1982-2007	n.d.	n.r.	n.d.
Mexico	1980-2007	n.r.	n.d.	n.d.
Nicaragua	1987-95	n.d.	n.d.	n.d.
	1995-2007	n.r.	n.r.	n.r.
Panama	1983-2007	n.r.	n.d.	n.d.
Paraguay	1992-2007	n.r.	n.r.	n.r.
Peru	Belaúnde (1980-85)	667	348	1015
	García I (1985-90)	1338	262	1600
	Fujimori I (1990-95)	1306	330	1636
	Fujimori II (1995-2000)	507	119	626
	Paniagua (2000-01)	120	12	132
	Toledo (2001-06)	204	42	246
	García II (2006-November 2008)	116	128	244
Dominican Republic	1980-2007	n.d.	n.r.	n.d.
Uruguay	1985-2007	0	-	0
Venezuela	Herrera Campins (1979-84)	27	0	27
	Lusinchi (1984-89)	58	71	129
	Pérez (1989-93)	7	0	7
	Velásquez (1993-94)	0	13	13
	Caldera (1994-99)	13	8	21
	Chávez I (1999-2000)	0	53	53
	Chávez II (2000-06)	0	50	50
	Chávez III (2007-November 2008)	0	65	65

Note: n.r. = The information is not relevant. n.d. = the information is not available. (*) For Brazil, the data on constitutional decrees, from 1988 on, include only the number of provisional measures with the force of law (originals and not their re-issued versions).

Sources: Prepared for this study using official data from the countries of the region and from Schmidt, 1998, p. 118; for Peru in the 1980s, Crisp, 1998; for Venezuela up to 1999.

The significance of this concentration of power must be emphasized. These special legislative powers are intended for emergency use only. However, in some countries, over lengthy periods of time, what ought to be an exceptional recourse used in situations demanding an urgent response has become an instrument used regularly. **Common use of this extreme power, which gives the Executive the ability to change the legal *status quo* unilaterally, is an indicator of flaws in the system of checks and balances between presidents and congresses** and deficits such as this are increasingly affecting democratic quality. Just as a weak State complicates democracy, so does a State that is not appropriately structured as a republic. **State and republic are necessary forms for democratic sustainability.**

"Legitimacy to exercise power"

Although the issue of checks and balances on power has not been as visible as the issue of free, fair elections, awareness is increasing. A new standard seems to be gradually emerging in the notion of "legitimacy to exercise" of public power, which expands on the classic distinction between legitimacy of origin (how power was acquired) and of exercise, used to identify the different foundations for the obligation to obey decisions by public authorities.

Traditionally, legitimacy of exercise refers to the *results obtained by exercising power* and emphasizes efficiency in governance. So a government may have legitimacy of origin by being elected but then, by failing to solve the country's problems, loses legitimacy of exercise. Similarly, a government might have legitimacy of exercise by responding to citizens' needs, but lacks legitimacy of origin because it gained power in a military coup.

However, in present-day Latin America, legitimacy of exercise is used in reference to *the way a government makes decisions and relates to society whether under democratic rule of law or not*. This defines three levels: legitimacy of origin, of exercise, and of ends. **These three ideas define the quality of a democracy and, therefore, its chances of lasting.**

This new use of the concept of legitimacy of exercise is not intended to de-emphasize a government's achievements. Rather, it is to focus on the way power is wielded, paying careful attention to lack of pluralism and transparency within governing institutions, autonomy and separation of powers, and on introducing a new standard for political processes – the way policies are made – which citizens are entitled to demand.

So citizens have the right to demand a government by free, fair elections as well as democratic decision-making and implementation. In other words, **governments must be democratically constituted (legitimacy of origin) and must also govern democratically (legitimacy of exercise).**

STAKEHOLDER VIEWS & POSITIONS 3.4

"Governments are elected to govern, not any which way, but democratically."
Scholar from Costa Rica, 17/11/09.

"There is no citizenship without the rule of law; this is the challenge for a democracy that is still too fragile."
Senator from Bolivia 2, 10/03/10.

"A republic is a political order designed to control excesses of power. […] [It is important] for our progress toward democracy not to be made by sacrificing democracy."
Researcher from Bolivia, 10/03/10.

"We are living in more democracy than we have ever had before, at four levels, and all the while running the risk of over-concentrating power, with everything that implies for the rule of law. […] Paradoxically, we are living in full democratization but with the looming possibility that the rule of law will break down."
Political analyst from Bolivia 2, 10/03/10.

"There are countries in which the Executive Branch hypertrophies; others have complex phenomena, such as the judicialization of politics, in which most political issues are settled by strictly legal criteria, which often paralyzes decision-making."
High-level official of the Executive Branch in Brazil, 26/04/10.

"Electoral legitimacy of origin is one thing and legitimacy in exercising power is quite another; it must be honored every day. Every day a politician who strives to live right has to face elections all the time, which involve serving citizens, hearing their complaints, honoring and satisfying their needs."
Vice President of Paraguay, 26-10-09.

Design of the constitutional framework

There is also a third key aspect of politics: the process for changing a country's constitution, which is the top of the normative system (see Chart 3.1).

Here it will be important to judge:

I. whether citizens or their representatives have the power to change the constitution
II. whether the process used to change the constitution meets democratic criteria or not, i.e., if the process involves inclusive, free, fair election of a constitutional assembly or the authorities who have the mandate to change the constitution; drafting and approval of the constitution's wording according to rules; and ratification of the constitution's text by inclusive, free, fair election or by the vote of elected authorities

Regarding constitutional change, one initial thing to consider is that countries in Latin America have amended their constitutions and have even written whole new ones quite often during this long run of democracy. This stands in contrast to the United States, whose constitution is viewed as a foundational document that ought not to change much and has been amended only a few times. This difference is largely because the United States Constitution enunciates abstract principles whereas some countries, such as Brazil (an extreme case), change their constitutions to settle issues that might better be addressed by regular legislation. Where the

United States has amended its constitution only 27 times since 1787, the last time in 1992, Brazil has amended its 1988 constitution 62 times.

A more detailed analysis reveals that, since 1990, every country in Latin America has made changes to its constitution (see Chart 3.7). Six countries have approved new constitutions. These were Bolivia in 2009, Colombia in 1991, Ecuador in 1998 and again 2008, Paraguay in 1992, Peru in 1993, and Venezuela 1999. Seven countries have also made weighty amendments. These were Argentina in 1994, Bolivia in 1994, Chile in 2005, Guatemala in 1993, Mexico in 1993/94, Nicaragua in 1995, and Venezuela 2009.

Most constitutional changes have been made without violating democratic criteria. However, two problem areas stand out: the difficulty in changing the *status quo* under the legacy of authoritarian constitutions; and the way to change the *status quo* and approve questioned constitutions. The rules governing this operation are also unstable, as the fundamental norms of Latin American countries change over and over. The consequences are that instability creates an environment of juridical insecurity. This is not to say that in some cases it was *not* necessary to change the constitution in order to remove the vestiges of authoritarianism, but it could proceed in a more orderly and transparent manner.

CHART 3.7

Constitutional Changes in Latin America (1990-2009)

COUNTRY	CONSTITUTION IN EFFECT IN EARLY 1990	NEW CONSTITUTIONS	SUBSTANTIAL REFORMS	OTHER REFORMS OR AMENDMENTS (1990-2007)
Argentina	1853		1994	
Bolivia	1967	2009	1994	2002, 2004, 2005
Brazil	1988			1992-2007 (every year)
Chile	1980		2005	1991, 1997, 1999, 2000, 2001, 2003, 2007
Colombia	1886	1991		1993, 1995, 1996, 1997, 1999-2005 (every year), 2007
Costa Rica	1949			1991, 1993-97 (every year), 1999-2003 (every year)
Ecuador	1979	1998 and 2008		1994, 1995, 1997
El Salvador	1983			1991, 1992, 1994, 1996, 1999, 2000
Guatemala	1986		1993	
Honduras	1982			1990, 1991,1993, 1996-2005 (every year)
Mexico	1917		1993/94	1990, 1992-97 (every year), 1999-2007 (every year)
Nicaragua	1987		1995	2000, 2005
Panama	1972			1993, 1994, 2004
Paraguay	1967	1992		
Peru	1979	1993		1995, 2000, 2002, 2004, 2005
Dominican Republic	1966			1994, 2002
Uruguay	1967			1994, 1996, 2004
Venezuela	1961	1999	2009	

Sources: Prepared by the authors on the basis of constitutions from the countries of the region.

The difficulty in changing constitutions inherited from authoritarian periods has been great – and remains great – in some countries. Chile returned to democracy in 1990, but under its 1980 constitution, which could not be substantially changed for 15 years despite repeated attempts by democratically elected governments.[35] Other countries, such as El Salvador and Peru, operate under constitutions drafted and/or approved undemocratically as well.

[35] When Chile's constitution was amended in 2005, these reforms were made according to the procedures of the 1980 constitution and not on the basis of a constitutional assembly. Regarding the implications of the lack of any constitutional procedure in Chile, see Garretón, 2007.

However, more significant in these last few years have been farther-reaching processes for constitutional change, and these have stirred up intense political debate. This happened particularly in countries such as Venezuela in 1999, 2007, and 2009, in Bolivia in 2006 and 2008, and in Ecuador from 2007 to 2008, which had undergone serious crises of governability and legitimacy of their political classes. When the old party system collapsed, new leaders arose who then called for a new start, promoting constitutional change as part of their agendas. New national constitutions in Ecuador in 2008 and Bolivia in 2009 then brought innovations in constitutional rights: recognition of "Nature's rights", recognition of a fourth branch for societal oversight in Ecuador, and construction of a 'pluri-national' State with indigenous autonomy in Bolivia. Yet some of the procedures followed to adopt some of these constitutional norms have been strenuously disputed.

With the advance in Latin America's democratization, especially during the 1980s, newly elected governments began confronting new challenges in governability. This revealed weaknesses inherent in many elected governments. The most extreme manifestations of this have been interruptions in the terms of several presidents. With the exceptions of Haiti in 1991, Venezuela in 2002, and Honduras in 2009, these crises did not involve the action of classical coalitions between the military and high-concentration economic sectors that had led coups in the 1960s and 70s. Rather, these presidents were toppled by street mobilizations and public protest, which in any event would indicate that the movements were not spontaneous.

Weaknesses in several elected governments have led to strengthening of the Executive Branch in many countries too, largely because the flipside of ousting weak Latin American presidents has been the emergence of other presidents who are much stronger. A manifestation of this trend has been change in constitutions to enable re-election more often, sponsored by presidents who were in office at the time of the changes. This has happened in Argentina, Bolivia, Brazil, Colombia, Ecuador, Peru, the Dominican Republic, Venezuela, and Nicaragua.[36] Such re-election, whether continual or immediate, has even been imposed in a few cases despite existing legal frameworks against it.

Another manifestation has been the concentration of power with presidents themselves, as shown by the data on their use of the power to decree laws. Concentrating power with presidents has been shown to have an immediate negative effect on democracy, however, by reducing pluralism in government decision-making and, as in Peru, can also have a negative effect on electoral democracy procedures.

So where electoral democracy has been the norm lately, certain issues such as authoritarianism still linger and assert themselves when a government appears weak. These instances have been, for better or worse, the landmarks on the road to citizenship.

[36] In Panama and Paraguay, attempts to make immediate presidential re-election possible failed.

STAKEHOLDER VIEWS & POSITIONS 3.5

"We have learned that it is much easier to make economic reforms, which requires only political will, than to reform political structures."
Think tank representative from El Salvador, 18/03/10; paraphrased.

"I don't trust culturally-based explanations about how systems work. On the contrary, I think institutions help build culture […] And institutions also change, and a simple constitutional change can generate major transformations."
Director of a public bank from Uruguay, 9/12/09.

"Bolivia put participation and societal oversight in the Constitution as a different way to coordinate society and State. The Constitution calls for collective political decision-making, law-making, administration of laws and public governance."
Vice Minister of the Executive Branch 2 from Bolivia, 9/03/10.

Beyond political citizenship

Political citizenship is just one dimension of democracy, however, and to see deeper into the issue we need to go beyond just isolating the form of politics (how to win office, how to make political decisions, and how to change the constitution) from the results of politics (*what* decisions are made and *what* effects these decisions have on society). To see this we need to look at the distinction between civil and social citizenship, which may require new distinctions among different aspects of civil and social citizenship. Here, standards are more specifically articulated and will allow us to assess more effectively realities in each country (see Chart 3.8). Therefore, this Section presents comparative data to evaluate the status of, and trends in, the various aspects of civil and social citizenship.

CHART 3.8
Aspects of civil and social citizenship

SPHERE OF CITIZENSHIP	ASPECT	STANDARD
Civil Citizenship	I. Basic freedoms and equality under the law	• Guaranteed basic freedoms and protection against discrimination
	II. Primary rights	• The right to life, physical safety and security
	III. Administration of justice	• The right to prompt, enforced justice
	IV. The media and public information	• Freedom of the press and the right to public information
Social Citizenship	I. Health II. Education III. Employment IV. Poverty and inequality	• Meeting basic needs and social integration

Civil citizenship

A partial indicator of level of respect for basic freedoms is prevalence of the declaration of "states of exception" in some countries. Such declarations are a legal decision by the highest authorities[37] and lead directly to suspension of guarantees and rights. Those rights most often affected are personal freedom and security, freedom of residence and circulation throughout the territory, right to refuse entry and search (of homes and correspondence), freedom to meet peacefully and to demonstrate, freedom of opinion, freedom of speech, and the freedom to strike (Despouy, 1999, pp. 74-75).[38]

In this regard, although governments elected in Latin America to take over from military governments during the 1980s and 90s did continue to declare states of exception, it is a positive sign that only three countries in the region used them between 2000 and 2009 (see Chart 3.9). Although states of exception continue to be declared in cases of social or political conflict, this positive trend away from them reflects the resolution of the armed conflicts that affected much of Central America and Peru during the 1980s.

[37]For the different types of states of exception in Latin America and the authorities who must approve them, see Donadio, 2008, p. 65, and the chapters on each country).
[38]For a discussion of States of Exception and their implications for civil rights, see Despouy, 1999.

CHART 3.9

Use of 'States of Exception' under elected governments in Latin America (1985-2009)

CATEGORIES OF COUNTRIES	COUNTRIES (1985-99)	COUNTRIES (2000-09)
No use of the State of Exception	Brazil, Chile, Costa Rica, Mexico, Dominican Republic, Uruguay	Brazil, Chile, Costa Rica, El Salvador, Mexico, Nicaragua, Dominican Republic, Uruguay, Venezuela
Use of the State of Exception on few occasions (1-5 times) and cumulatively for very brief periods (a few days or weeks)	Guatemala, Honduras, Panama	Argentina, Guatemala, Honduras, Panama, Paraguay
Use of the State of Exception on few occasions (1-5 times) and cumulatively for brief periods (a few weeks to half a year)	Argentina	Bolivia
Use of the State of Exception frequently (over 5 times) but cumulatively for brief periods (a few weeks to half a year)	Venezuela	Ecuador
Use of the State of Exception on few occasions (1-5 times) but cumulatively for fairly long periods (a half a year to one year)		Colombia
Use of the State of Exception very frequently (over 5 times) and cumulatively for fairly long periods (a few weeks to half a year)	Bolivia, Ecuador	
Use of the State of Exception very frequently (over 5 brief times) and cumulatively for very long periods (over one year)	Colombia, El Salvador, Nicaragua, Paraguay, Peru	Peru

Sources: Prepared by the authors on the basis of multiple sources, including the UN, Human Rights Commission, Sub-Commission to Prevent Discrimination and Protect Minorities, 1997, 2001; and Commission of Truth and Reconciliation, 2003, Vol. I, Attachment 1.

Other indicators of civil citizenship are freedom of speech, freedom of assembly, and freedom of association (see Chart 3.10). Recent trends are not positive in some countries, however, and despite significant improvement in the 1990s particularly regarding freedom of assembly and freedom of association, there has been some backsliding in the 2000s.

CHART 3.10

Indicators of Basic Civil Rights in Latin America (1981-2007)

Region	Freedom of speech (scale from 0 to 2)	Freedom of Assembly and Association (scale from 0 to 2)	Workers' Rights (scale from 0 to 2)	Women's Economic Rights (scale from 0 to 3)	Women's Social Rights (scale from 0 to 3)
Andean					
1980s	1.51	1.78	1.62	1.24	1.07
1990s	1.20	1.72	1.08	1.30	1.21
2000s	0.98	1.45	0.43	1.25	1.34
Southern Cone and Brazil					
1980s	1.29	1.11	0.89	1.33	1.24
1990s	1.58	1.90	1.18	1.00	1.00
2000s	1.63	1.73	1.03	1.38	1.38
Central America and Mexico					
1980s	1.44	1.53	1.15	1.43	1.39
1990s	1.49	1.88	0.96	1.33	1.31
2000s	1.50	1.77	0.72	1.36	1.43
Latin America					
1980s	1.42	1.48	1.21	1.35	1.25
1990s	1.43	1.84	1.06	1.23	1.20
2000s	1.39	1.67	0.72	1.33	1.39
Western Europe					
2000s	1.71	1.81	1.77	2.15	2.62

Note: Figures are the annual average, on the basis of ordinal scales on which a higher number indicates more rights. The degree to which workers' rights focus on freedom of association at the workplace, the right to collective negotiation, and other internationally recognized rights. The degree to which women's economic rights include a number of internationally recognized rights, such as the right to equal pay for equal work, job security, non-discrimination by employers, and the right to take jobs in different areas of the economy. The degree to which women's social rights include a number of internationally recognized rights, such as freedom from forced sterilization, the right to equal inheritance, the right to equality in marriage, the right to own property in marriage, and the right to sue for divorce.

The countries belonging to each sub-region are as follows: Andean = Bolivia, Colombia, Ecuador, Peru, Venezuela; Southern Cone and Brazil = Argentina, Brazil, Chile, Paraguay, Uruguay; Central America and Mexico = Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Dominican Republic. The countries included in the group from Western Europe are Germany, Austria, Belgium, Denmark, Spain, Finland, France, Greece, Holland, Ireland, Italy, Norway, Portugal, the United Kingdom, Sweden, and Switzerland.

Source: Data from Cingranelli and Richards, 2008.

Another way to assess the state of civil citizenship is to look at certain groups in society and examine level of equality in access to them. Data available on the rights of two groups – workers and women – show some negative and some positive. In workers' rights (including freedom to associate in the workplace) the right to collective negotiation, and other rights internationally recognized, the trend has clearly been negative since the 1980s. The regional average of 0.72 (out of 1) in the 2000s would indicate that several countries have restrictions here and that such restrictions are systematic.[39]

In women's economic rights, including right to equal pay for equal work, job security, freedom from discrimination by employers, and the right to be employed in different areas of the economy, the situation is stable but some discrimination lingers. The regional average is 1.33 on a scale of 0 to 3 and despite recent progress on women's social rights, compared to the number of rights internationally recognized, such as the right to equal inheritance, the right to equality in marriage, the right to own property within marriage, and the right to sue for divorce, the regional average of 1.39 points to lax law enforcement, and, again, moderate discrimination.

STAKEHOLDER VIEWS & POSITIONS 3.6

"The big part missing from the agenda is the issue of gender. Citizenship must be rebuilt by making women visible, to fight against political, economic, social and cultural asymmetries. It is a matter of elementary justice."
Female magistrate of the Judicial Branch in El Salvador, 18/03/10; paraphrased.

"Democracy is making women invisible. We have gained some opportunities for participation in the last few years; however, within State structures and within the society itself that we live in, the role played by women is constantly played down. And the impact of democracy on women's standing is very different from its impact on men's lives. […] Under what conditions do women participate? What is the cost for women of living in a state of fear?"
Representative of a political party in Guatemala, 10/11/09.

"Women's situation puts democracies to the test, a test that Latin America has not yet overcome entirely. Not even in Chile, where we have had a female president, which could be viewed as the maximum expression that women have every opportunity here, when the truth is otherwise."
Vice President of a political party in Chile, 27/04/10.

"The risk looms of backtracking in the field of women's rights. The last rights acquired are the first to pose risks. Why? There are several hypotheses: because they are the most revolutionary, since they address power, equity, and inequalities; because their institutional underpinning is the weakest; because they are an easy target since their organizations embody more contradictions. Women are still significantly under-represented politically in Latin America."
Representative of UNIFEM in Colombia 1, 16/02/10; paraphrased.

"I don't work for women but for democracy: I am sure that women's low participation and representation are a deficit of democracy."
Representative of UNIFEM in Colombia 2, 17/02/10; paraphrased.

[39] For further information about workers' rights, see Confederación Sindical Internacional, 2007, and ILO, 2007.

Civil citizenship is also reflected in people's opinions of civic life and number one on the list of citizen concerns is security. Homicides are increasing dramatically in the region (see Chart 3.11) and availability of firearms, a legacy of armed conflict, is a major factor in this. Youth gangs (*maras*), another holdover from armed conflict, are another factor explaining the extremely high murder rates in El Salvador, Guatemala, and Honduras. Drug production and international trade have also generated a new phenomenon that has shaken Colombia, Brazil, Mexico, and several countries in Central America, narco-violence.[40] **This problem of violence is one indicator of the weakness of States in Latin America; governments have often proven unable to ensure citizens' fundamental right – the right to life.**

CHART 3.11

Murders in Latin America (2000-2008)

	Nº OF HOMICIDES PER 100,000 INHABITANTS		
COUNTRY	**2000***	**2008****	**% CHANGE 2000-2008**
Argentina	7.0	5.3	-24.3
Bolivia	3.7	10.6	186.5
Brazil	26.7	25.2	-5.6
Chile	1.9	1.7	-10.5
Colombia	63.3	39.0	-38.4
Costa Rica	6.3	11.0	74.6
Ecuador	15.3	18.0	17.6
El Salvador	37.3	52.0	39.4
Guatemala	25.8	48.0	86.0
Honduras	49.9	57.9	16.0
Mexico	14.0	12.0	-14.3
Nicaragua	9.0	13.0	44.4
Panama	10.1	19.2	90.1
Paraguay	12.6	12.2	-3.2
Peru	4.9	11.2	128.6
Dominican Rep.	13.1	21.5	64.1
Uruguay	4.6	5.8	26.1
Venezuela	33.0	47.2	43.0
Latin America	18.8	22.8	21.3

Note: (*) The data for Bolivia and Peru are for 2001. (**) The data for Peru are for 2005; for Argentina, Bolivia, Brazil, Paraguay, the Dominican Republic and Uruguay, for 2007; and for Chile and Colombia, for 2009. Regional data are the average or simple median (not weighted by population) for all countries.

Sources: UNODC, 2002 and 2010; Central American Observatory for Violence, 2007; CEJA, 2008; OAS, 2008, p. 18; UNDP, 2009, p. 68; Presidential Human Rights and International Humanitarian Law Program, 2008; Waiselfisz, 2008; National Public Security System and CONAPO, 2009.

[40] Regarding *maras,* see Demoscopia, 2007. For data on drug production and traffic, see ONUDD-UNODC, 2008b, 2008c.

Civil citizenship: access to justice

The question of violence then raises questions of justice, and administration of justice, a central aspect of civil citizenship, demonstrates some problems; it does not reach everyone. Where **we are all equal before the law, the law is not equal for all of us.** Although democracy allows for better checks on State repression, violations of human rights continue in the region and they require urgent action. Although these violations are not part of an overall plan, they are an aspect of the State's weakness in controlling its law enforcement agencies. There is evidence that State agents who do violate human rights still enjoy a high degree of impunity under electoral democracies and indicators on prison population and occupancy (including prisoners yet to be tried) show that the State is not guaranteeing the rights of those accused or of prisoners either (see Chart 3.12).

The prison population itself, although it has risen, is not particularly high. It is similar to rates in Spain, Great Britain, and New Zealand – and quite a bit lower than the United States, which has the world's highest prison population (753 per 100,000 inhabitants, in 2008).[41] However, the prison population in Latin America is 47% above the installed capacity of the prison system (an increase over previous years), which shows that crowding is a considerable problem and that the living conditions of inmates are often deplorable. But more importantly, **half the region's prison population has never been officially prosecuted or officially sentenced.**[42] So the situation is complex: some are above the law while the rights of others are ignored.[43]

Civil citizenship: freedom of the press and the right to public information

Another key aspect of civil citizenship is freedom of the press and the right to public information. The most violent way to restrict freedom of the press in Latin America has been by assassinating journalists and most cases involved journalists killed by the organized crime groups they were investigating (see Chart 3.13). This has been accompanied by impunity for the assassins, reinforcing the power of this act of brutality to intimidate: only 20% of journalist murders in the region from 1995 to 2005 have ended in any sort of court judgment.[44]

[41] Data from the International Centre for Prison Studies, 2010.
[42] For more information on prison conditions in Latin America, and prisoners' rights, see Nueva Sociedad, 2007.
[43] Regarding women's situation in particular, focusing on issues of violence against women and women's access to justice, see ECLAC, 2007a, and OAS IHRC, 2007c.
[44] Calculated on the basis of data from OAS IHRC, 2008b, p. 60.

CHART 3.12

Rights of Prisoners and Defendants in Latin America (2000-2009)

	RATE OF PRISON POPULATION (PER 100,000 OF THE NATIONAL POPULATION)				PRISON OCCUPANCY RATE (ON THE BASIS OF OFFICIAL CAPACITY)				UN-PROCESSED, UN-CONVICTED PRISONERS (PERCENTAGE OF PRISON POPULATION)			
Country	c.2000		c.2009		c. 2000		c. 2009		c. 2000		c. 2009	
Argentina	2001	109	2008	132	1999	120	2008	94	1999	55	2008	59
Bolivia	2000	110	2008	80	1999	163	2008	165	1999	36	2006	74
Brazil	2001	133	2009	242	2002	132	2009	157	2002	34	2009	37
Chile	2001	225	2010	305	2002	134	2007	155	2002	40	2010	23
Colombia	2001	126	2009	167	2001	137	2009	139	2001	41	2009	33
Costa Rica	2002	157	2009	224	1999	110	2008	98	1999	40	2009	26
Ecuador	2001	61	2009	79	2002	115	2009	144	2002	70	2008	44
El Salvador	2001	150	2009	370	2002	168	2009	254	2002	50	2009	34
Guatemala	2001	61	2010	70	1999	113	2010	156	1999	61	2010	54
Honduras	2002	172	2010	151	2002	208	2010	138	2002	79	2010	50
Mexico	2000	156	2009	204	2000	128	2009	130	2000	41	2009	41
Nicaragua	1999	143	2007	107	1999	113	2007	133	1999	31	2006	21
Panama	2001	333	2010	296	2002	137	2010	145	2002	55	2010	61
Paraguay	1999	75	2008	95	1999	151	2007	116	1999	93	2008	70
Peru	2002	104	2010	151	2002	138	2010	178	2002	67	2010	61
DominicanRep.	2001	178	2009	189	2001	175	2009	188	2001	65	2009	62
Uruguay	2002	166	2010	261	2002	151	2010	136	2002	73	2010	66
Venezuela	1999	97	2008	85	2000	97	2005	117	2000	58	2008	62

Latin America	142	178	138	147	55	49

Note: The regional data are the average or midpoint for each case.

Sources: Carranza, 2001; and International Centre for Prison Studies, 2010.

CHART 3.13

Deaths of journalists in Latin America (1995-2009)

COUNTRY	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	Total
Argentina			1		1											2
Bolivia							1							1		2
Brazil	5	1	3	2		1	1	2	3	3	2	2	2			27
Chile																0
Colombia	3	2	6	10	7	9	10	14	9	3	2	3	1		2	81
Costa Rica							1									1
Ecuador											1	1				2
El Salvador			1												1	2
Guatemala	1		3	1	1	1	1		1			1	1	1	2	14
Honduras									1				1			2
Mexico			3	3		3	2	1		5	3	9	6	4	6	45
Nicaragua										2	1					3
Panama																0
Paraguay						1	1						1		1	4
Peru				2						2		1	1			6
Dominican Rep.	1									1				1		3
Uruguay						1										1
Venezuela								1		1		2		1	1	6
Latin America	10	3	17	18	9	16	17	18	14	17	9	19	13	8	13	201

Source: OAS, IHRC, 2008b, p. 46, 2007a, p. 17, 2008a, pp. 20-21, 2009a, 2009b.

Yet the issue of press freedom and access to information goes much deeper than safety for journalists and impunity for the people who employ violence to silence them. **Diversity and plurality of information decrease too as the ownership of media is increasingly concentrated and as governments stiffen their media control policies**. National and transnational conglomerates controlling over three-quarters of the region's audiovisual media wield considerable power and are hard to bring under control. A widespread perception and concern in the region is that the media can manipulate politics without being held accountable, can influence the public agenda, can determine what is "important" and what is not, and can even intervene in electoral processes, favoring one side and attacking the other.

Equal distribution of power clearly doesn't apply here, then. Media forces try to distort conditions of electoral competition or influence public policymaking, and in such cases they appear to be the ones who profit. And the media are often only a front for *de facto* power groups that have little or nothing to do with the press.[45]

This twofold dilemma receives little attention, though: there is no democracy without freedom of the press, but actions by certain sectors of the press can weaken majorities' ability and will to choose. **Free press and media are, then, indispensable stakeholders in democracy. This makes it important to have transparent norms and mechanisms to ensure their plurality**

[45] See "Medios, Política y Democracia en América Latina. Un esfuerzo dirigido al mejoramiento de la relación Medios y Política para el fortalecimiento de la democracia en América Latina" [Media, Politics and Democracy in Latin America. An effort to improve the Media-Politics relationship to strengthen democracy in Latin America], UNDP, AECID, NIMD, IDEA, RNW, 2009.

and quality, and to prevent politics from attempting to censor, regulate, or control information.

Pluralism has also been compromised in some cases by prior censorship and lawsuits against journalists, as well as the tendency for high-level government officials to criticize the media, arbitrary allocation or withdrawal of broadcast frequencies, allocation of government advertising as a prize or punishment, according to media editorial policies, and discrimination in access to official sources.[46]

However, there has been some progress in this area. Where as of 2009 only Argentina, Costa Rica, El Salvador, Mexico and Uruguay had de-criminalized defamation, slander and calumny, laws against contempt of court (for refusing to reveal sources) were repealed in Argentina, Chile, Costa Rica, Guatemala, Honduras, Panama, Paraguay, Peru, and Uruguay as early as 1994.[47] There has also been progress in access to public information with legislative developments especially in Chile, Colombia, Ecuador, Honduras, Mexico, Nicaragua, Panama, Peru, and the Dominican Republic (see Chart 3.14).[48] Still, the region's overall bottom line on freedom of the press remains alarming.

[46]This paragraph is based on information in the Annual Reports for 2006, 2007, 2008 and 2009 by the OAS Special Rapporteur for Freedom of Speech, OAS IHRC 2007a, 2008a, 2009a, 2009b.
[47]Laws for contempt of court remain in force (up to late 2009) in Bolivia, Brazil, Colombia, Ecuador, El Salvador, Mexico, Nicaragua, the Dominican Republic and Venezuela.
[48]For a detailed discussion of access to public information in the Latin American context, see OAS IHRC, 2007b.

CHART 3.14

Access to Public Information in Latin America (2009)

COUNTRY	ACCESS TO PUBLIC INFORMATION: CONSTITUTIONAL AND LEGAL PROVISIONS
Argentina	Regulation of access to information public, 2003.
Bolivia	Supreme Decree 28,168, 2005.
Brazil	Article 5, Clause 14, of the Constitution states that all have access to information; Law Nº 9,507, of 1997, regulating the right of access to information.
Chile	Law 20,285, Transparency and Access to Public Information Law, 2008.
Colombia	Law ordering the public nature of official records and documents, 1985.
Costa Rica	Article 27 of the Constitution guarantees the right of access to information for persons and groups. Additionally, Article 30 emphasizes the right to access public information for the purpose of promoting the public interest.
Ecuador	General Law on Transparency and Access to Public Information, 2004.
El Salvador	The constitution recognized (Article 18) the right to petition the government.
Guatemala	Law on Access to Public Information, 2008.
Honduras	Transparency and Access to Public Information Law, 2006.
Mexico	Federal Law on Transparency and Access to Governmental Public Information, 2002.
Nicaragua	Law on Access to Public Information, 2008.
Panama	Law on Transparency in Public Administration, 2002.
Paraguay	Article 28 (paragraph 2) of the Constitution establishes that sources of information are free for all.
Peru	Transparency and Access to Public Information Law, 2002.
Dominican Rep.	General Law on Free Access to Public Information, 2004.
Uruguay	Law on Access to Public Information and Information-related Protection, 2008
Venezuela	Article Nº 59 of the General Law on Administrative Procedures of 1 July 1981 establishes access to public information and official sources.

Note: The "Right to access public information" refers to the right persons have to obtain information held by the government regarding management of public affairs. Information updated through December 2009.

Sources: Prepared by the authors on the basis of national constitutions and laws, and Banisar, 2006.

STAKEHOLDER VIEWS & POSITIONS 3.7

"We cannot build citizenship when the State is repressive. […] To create citizenship, we have to break free of those paradigms of fear, so the citizenry can trust their authorities. However, there are constitutionally established institutions that are not doing their job, but have become repressive institutions. And what is more: there are local authorities who prevent the construction of citizenship by breaking the laws, and the central government tolerates this."
Representative of a CSO in Guatemala 1, 9/11/09.

"There are geographical areas where the Government is not present, and societal spaces – the upper strata of society – where illegality is allowed to thrive."
Scholar from Guatemala 1, 10/11/09; summarized.

"In Chile, without expert legal advisory assistance, it is very difficult to demand rights from the judicial system."
Vice president of a political party in Chile, 27/04/10.

"Debates always address false dichotomies, and this also happens with the role of justice in democracy. […] In Brazil, there are very serious issues, for example, regarding the rights of prisoners that have been ruled on more by the initiative of the judicial branch than by the capacity of the executive branch to prepare public policies. […]Discussing the role of justice in democratizing society also leads us to discuss the democratization of justice itself, both regarding the problem of access for the population groups most marginalized from justice and regarding the grounds on which justice is organized […] Justice plays a role in democratizing and integrating Latin America: I refer specifically to actions by human rights commissions, which have contributed to generating a culture of respect for human rights, and have also helped many minorities un-block conflicts that cannot be solved by local political institutions."
Brazilian researcher, 27/04/10.

"What the administration of justice does in our countries above all is […] to enable injustice to rule."
Representative of an indigenous CSO in Guatemala, 10/11/09.

"A well-informed community is a prerequisite for democracy. And freedom of the press is not enough. Because no one could say that we don't have freedom of the press in Chile; What is lacking is a pluralistic press, with room for all angles, sources and perspectives of citizenship. […]What can we do to guarantee this?"
Female senator from Chile, 27/04/10.

"Freedom of the press has progressively been taken over by extremely powerful economic groups voraciously invading realms that were exclusively for democratic decision-making. Guaranteeing that the press will be free of bonds, responsible and independent of mercantilism is the main dike to hold back corruption."
Ex foreign minister in Colombia – written comment.

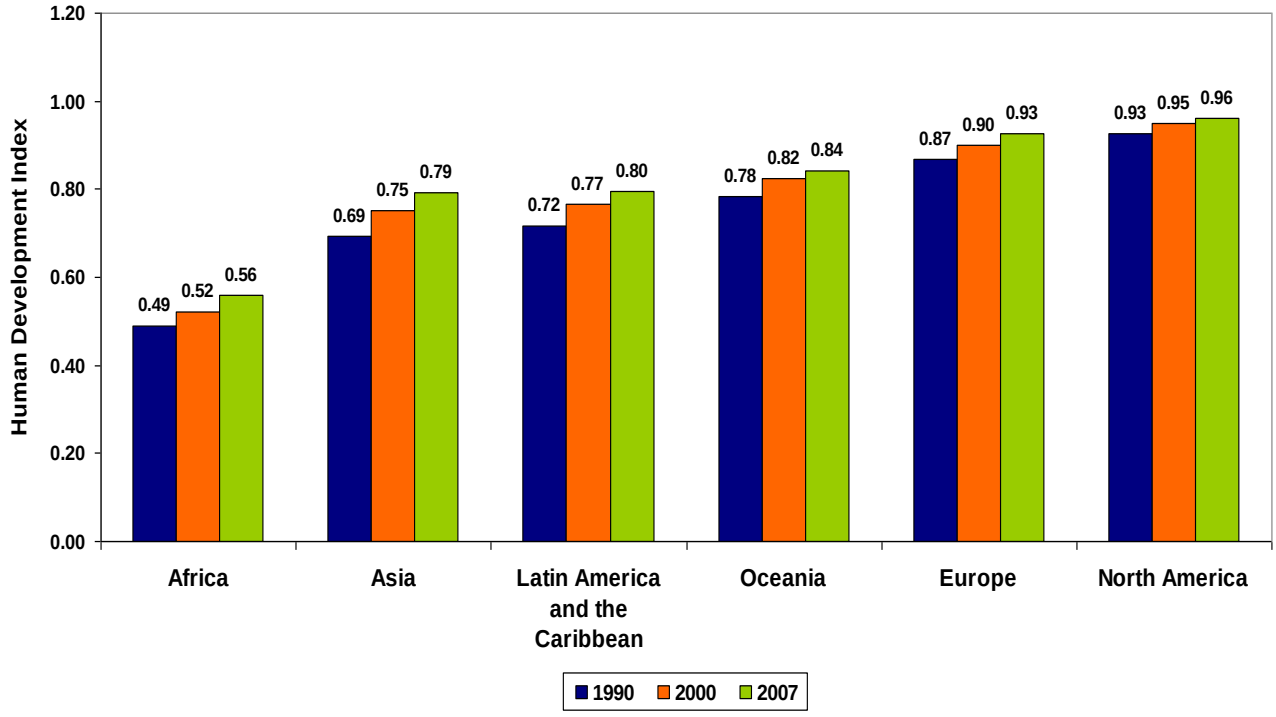
Social citizenship

Social citizenship includes such basic issues as citizens' health and education, as well as their socio-economic situation (see Chart 3.8). These issues are related to the satisfaction of basic needs and social integration of citizenship, and they have major implications for other spheres of citizenship. The social sphere of citizenship conditions effective enjoyment of political and civil rights to some degree.

In recent decades there has been improvement in a broad group of indicators for health, education, water supply, and sanitation, which is reflected in the human development indicators, where Latin America remains higher than other regions in the developing world (see Figure 3.2).

GRAPH 3.2

Human Development Index in Latin America and other regions of the world (1990-2007)



Source: G. Gray and M. Purser, 2010.

Health indicators are generally positive (see Chart 3.15).[49] During this first decade of the current century, the mortality rate for children under age 5 has been reduced and access to safe water has improved in virtually every country of the region. However, under-5 mortality rates remain quite high in Bolivia, Guatemala, Honduras, and the Dominican Republic. Likewise, in Bolivia, El Salvador, Honduras, Nicaragua, Paraguay, Peru, and the Dominican Republic over 10% of the population does not have access to safe water. Further, malnutrition affects over one-fifth of children under age 5 in Bolivia, Ecuador, Guatemala, Honduras, Nicaragua,

[49] For more indicators on health, see PAHO, 2009.

Panama, and Peru. In sum, in 10 of the 18 countries in the region, the population suffers from one or more of the most basic shortages involving full physical development.

Regarding education, once again the indicators reflect a positive trend (see Chart 3.16). However, in eight countries, over 10% of the population is still illiterate. Further, although the region is approaching the goal of achieving universal primary school education, only about half the school-age population is in secondary school and as several studies have shown, access to education does not in itself guarantee access to good-quality education, training for citizens, and easy entry into the contemporary world of work (ECLAC, 2007b, Chap. 3). In the last few years, several countries of the region have had serious problems with educational quality, with Latin America falling behind in different worldwide evaluations. Higher education also faces challenges in quality of study and the amount of research conducted.

CHART 3.15

Health Indicators for Latin America (2000-2008)

	MORTALITY RATE FOR CHILDREN UNDER AGE 5 (PER 1000 LIVE BIRTHS)		CHILD UNDER-NUTRITION: LOW HEIGHT FOR AGE: (% OF CHILDREN UNDER AGE 5	SUSTAINABLE ACCESS TO WATER SUPPLY (% OF THE POPULATION) **	
Country	2001	2009	2003-08*	2000	2008
Argentina	19	16	8	96	97
Bolivia	77	54	22	79	86
Brazil	36	22	7	93	97
Chile	12	9	1	94	96
Colombia	23	20	15	91	92
Costa Rica	11	11	6	95	97
Ecuador	30	25	23	86	94
El Salvador	39	18	19	82	87
Guatemala	58	35	54	89	94
Honduras	38	31	29	80	86
Mexico	29	18	16	90	94
Nicaragua	43	27	22	80	85
Panama	25	23	22	90	93
Paraguay	30	28	18	74	86
Peru	39	24	30	79	82
Dominican Rep.	47	33	18	87	86
Uruguay	16	14	15	98	100
Venezuela	22	18	12	92	n.d.
Latin America ***	33	24	19	87	91

Note: (*) Data refer to the most recent year available. (**) "Sustainable access to water supply" refers to access to an adequate amount of safe drinking water in the home or located at a convenient distance from users' home. Includes urban population supplied by home connections, urban population without home connections but with reasonable access to public facilities, and rural population with reasonable access to safe water. (***) Regional figures are the median or average (not weighted) for all cases, exceptin columns on water supply (which exclude Venezuela). n.d. = Data not available.

Sources: Child mortality data (under age 5) and child malnutrition data are from UNICEF, 2007, Table 2, pp. 118-121.8. Data on water supply are from WHO/UNICEF, 2010, pp. 38-51.

CHART 3.16

Indicators on Education for Latin America (1985-2008)

			SCHOOL ENROLLMENT AT PRIMARY, SECONDARY AND TERTIARY LEVELS					
	ADULT LITERACY (%)		PRIMARY (NET RATE)		SECONDARY (NET RATE)		TERTIARY (GROSS RATE)	
COUNTRY	1985-94	2000-07	2000	2007	2000	2007	2000	2007
Argentina	96	98	n.d.	98.5	79.3	79.4	53.4	68.0
Bolivia	80	91	95.0	93.7	71.1	69.9	35.7	38.3
Brazil	n.d.	90	91.7	92.6	68.5	77.0	16.1	30.0
Chile	94	97	n.d.	n.d.	n.d.	85.3	37.3	52.1
Colombia	91	93	93.9	90.0	58.1	71.2	24.0	35.4
Costa Rica	n.d.	96	n.d.	n.d.	n.d.	n.d.	16.2	25.3
Ecuador	88	84	98.0	91.8	47.2	51.3	n.d.	35.3
El Salvador	74	82	88.6	94.0	47.0	55.0	21.7	24.6
Guatemala	64	73	85.4	95.0	26.9	38.1	9.5	17.7
Honduras	n.d.	84	88.4	96.6	n.d.	n.d.	14.9	18.7
Mexico	88	93	97.2	97.9	57.3	70.9	19.6	26.3
Nicaragua	n.d.	78	78.6	91.8	34.7	45.2	17.8	n.d.
Panama	89	93	97.8	98.3	61.1	65.6	44.0	45.0
Paraguay	90	95	n.d.	92.4	n.d.	57.7	15.7	25.5
Peru	87	90	97.6	96.8	65.1	75.9	31.2	34.5
Dominican.Rep.	n.d.	89	80.8	80.0	39.2	57.7	33.0	n.d.
Uruguay	95	98	n.d.	97.5	n.d.	67.7	n.d.	64.3
Venezuela	90	95	87.7	90.1	50.5	69.5	28.4	52.6
Latin America	87	91	91	93	50	59	26	35

Note: Data on adult illiteracy refer to the population 15 or older who cannot read or write a simplestatement about their daily life. The net school enrollment for primary and secondary school is thepercentage of school-age children (according to each country's definition) actually registered in school.For tertiary education the gross rate is the total student enrollment, regardless of age, over the populationold enough for the official age. n.d. = Data not available.

Figures for enrollment in Argentina are for 2005 and 2006, but not for 2007; for Bolivia (secondary) for 2001; for Colombia (in all categories) for 2008, but not for 2007; for Costa Rica (tertiary) for 2005, but notfor 2007; for Ecuador (primary, secondary), for 2008 but not for 2007; for El Salvador (primary) for 2002, but not for 2000; and for El Salvador (other categories) for 2008 but not for 2007; for Guatemala(secondary) for 2006 but not for 2007; and for Guatemala (tertiary) for 2002 but not for 2000; forHonduras (primary and tertiary) for 2008 but not for 2007; for Nicaragua (primary and secondary) for 2008but not for 2007; for Nicaragua (tertiary) for 2002, but not for 2000; for Panama (primary and secondary)for 2008 but not for 2007; for Paraguay (primary and secondary) for 2006 but not for 2007; for Paraguay(tertiary) for 2005 but not for 2007; for Peru (tertiary) for 2002 and 2006 but not for 2000 and 2007; for theDominican Republic (primary and secondary) for 2008 but not for 2007, for the Dominican Republic(tertiary) for 2003 but not for 2000; for Venezuela (primary) for 2008 but not for 2007, for Venezuela(tertiary) for 2003 but not for 2007. Regional figures are the median or average (not weighted) for allcases for which there are data for these two years.

Sources: The data on illiteracy are from UNESCO, 2010, pp. 310-312 and those on enrollment from ECLAC, 2010b, Table 1.3.3, p. 51; Table 1.3.4, p. 52, and Table 1.3.5, p. 53). Data for 2007 are from the ECLAC Statistical Yearbook for 2009, ECLAC, 2010.

Social citizenship and economic well-being

By contrast, despite some progress, when we analyze the economic aspects of citizenship we find a much more alarming reality. On the positive side, the Latin American economy experienced an exceptional boom from 2004 to 2008, the greatest since the late 1960s and early 70s. Even more significant is the fact that this economic growth was accompanied by improved distribution of income in some countries. The overall effect of these factors was an 11-point drop in poverty (from 44.0 to 33.0%) between 2002 and 2008. Extreme poverty also dropped from 19.4 to 12.9%. Consequently, the number of poor has dropped by 41 million compared to 2002, including 26 million who are no longer in extreme poverty.[50] **This has been an exceptional five years, unique in this democratic stage.**

Still, the 2004-2008 boom did not manage to reverse the deteriorating working conditions, which had already been worsening over the two previous decades. Indicators for unemployment and work in the informal sector continue to show a sizable deficit (see Chart 3.17) and, in the long term, workplace quality and Social Security coverage show decreases. Despite a slight reduction in urban unemployment during the last four years, overall unemployment remains relatively high. The average rate in 2000 (9.6%) is higher than in previous decades (8.3% in the 1980s and 9.2% in the 90s). Only Chile and Costa Rica have maintained an unemployment rate under 10% on average from 2000 to 2006 and an informal sector that is under 40% of the total workforce.

[50]ECLAC, 2009.

CHART 3.17

Indicators on poverty, extreme poverty and economic inequality, Latin America (1999-2008)

	OPEN UNEMPLOYMENT RATE IN URBAN AREAS (%) *			SIZE OF THE INFORMAL SECTOR (%) **		SOCIAL SECURITY COVERAGE	
COUNTRY	1990-99	2000-08	c. 2008	1990	2006-2008	c. 1990	c. 2008
Argentina	11.9	14.4	10.5	44.4	41.0	94.6	60
Bolivia	5,3	6.8	7.7	62.8	62.5	28.5	20.2
Brazil	5.6	9.9	8.0	49.3	42.0	53.3	49.5
Chile	7.6	9.7	7.6	38.9	30.7	65.9	66.7
Colombia	11.6	16.2	13.3	27.3	37.5	n.d.	n.d.
Costa Rica	5.4	5.8	4.8	36.9	37.1	69.3	65.2
Ecuador	9.4	9.3	7.3	54.5	57.4	37.5	33.1
El Salvador	7.8	6.8	6.5	51.0	n.d.	25.3	28.9
Guatemala	4.0	3.8	2.7	54.6	58.1	n.d.	17.7
Honduras	6.1	5.7	3.9	53.3	43.9	n.d.	19.8
Mexico	3.6	3.8	4.8	18.9	43.7	50.4	52.1
Nicaragua	14.0	10.7	5.9	49.9	n.d.	n.d.	17.4
Panama	16.7	11.7	6.5	32.3	35.9	53.4	47.8
Paraguay	6.3	9.2	7.2	55.3	56.5	n.d.	14.1
Peru	8.5	6.8	5.9	61.0	50.1	n.d.	13.7
Dominican.Rep.	16.9	6.3	5.1	n.d.	50.1	n.d.	58.4
Uruguay	9.9	11.7	7.8	36.8	42.8	n.d.	61.1
Venezuela	10.3	11.7	6.8	39.1	49.8	n.d.	60.9
Latin America	9.2	8.9	6.8	44.4	45.9	47.8	42.4

Note: n.d. = data not available. (*) Figures are percentages representing average annual rates. (**) Data are a percentage of the total urban work force, and include unskilled urban workers employed in firms with fewer than five employees, domestic workers and self-employed workers. Regional figures are the median or average of all cases for which there are data for any year. The size of the informal sector refers to the urban population employed in low-productivity sectors. Data for 2008 are for that year or the closest available year. Regional figures are the median or average (not weighted) for all cases for which there are data for the two years.

Sources: Data on open unemployment are from ECLAC, 2007b, Table 1.1, p. 52; for 2008 are from ECLAC's Social Panorama, 2009. The data on the urban population in low-productivity sectors of the job market are from ECLAC's 2009 Social Panorama. Data on coverage of social security are from ECLAC, 2008, Social Panorama of Latin America, Chart II.13, pp. 58 and 59.

In distribution of income, although several countries showed marked improvement during the last decade, **inequality has remained very high**, one of the most alarming symptoms for the region's medium-term democratic stability (see Chart 3.18). Unequal distribution of income is actually higher in Latin America than in any other region in the world.

CHART 3.18

Indicators on poverty, extreme poverty and economic inequality. Latin America (1999-2008

	POVERTY		EXTREME POVERTY		INEQUALITY (GINI INDEX)		RATIO OF AVERAGE INCOME FOR WEALTHY AND POOR HOUSEHOLDS (10% / 40%)	
COUNTRY	c.1999	c.2008	c.1999	c.2008	c.1999	c.2008	c.1999	c.2008
Argentina	23.7	21.0	6.7	7.2	0.539	0.519	16.2	14.4
Bolivia	60.6	54.0	36.4	31.2	0.586	0.565	26.7	22.2
Brazil	37.5	25.8	13.2	7.3	0.640	0.594	31.9	23.8
Chile	21.7	13.7	5.6	3.2	0.560	0.522	19.1	15.9
Colombia	54.9	46.8	26.8	20.2	0.572	0.584	22.3	25.2
Costa Rica	20.3	16.4	7.8	5.5	0.473	0.473	12.6	12.4
Ecuador	63.5	39.0	31.3	14.2	0.513	0.504	17.2	14.0
El Salvador	49.8	47.5	21.9	19.0	0.518	0.493	15.2	13.3
Guatemala	61.1	54.8	31.6	29.1	0.560	0.585	20.4	22.0
Honduras	79.7	68.9	56.8	45.6	0.564	0.580	22.3	23.6
Mexico	46.9	34.8	18.5	11.2	0.539	0.515	18.4	16.1
Nicaragua	69.9	61.9	44.6	31.9	0.583	0.532	25.3	17.2
Panama	36.9	27.7	18.6	13.5	0.567	0.524	20.1	15.2
Paraguay	60.6	58.2	33.9	30.8	0.565	0.527	19.3	16.6
Peru	54.8	36.2	24.4	12.6	0.525	0.476	17.4	12.8
Dominican.Rep.	47.1	44.3	20.7	22.6	0.537	0.550	17.8	21.2
Uruguay	9.4	14.0	1.8	3.5	0.440	0.445	8.8	9.0
Venezuela	49.4	27.6	21.7	9.9	0.498	0.412	15.0	8.4
Latin America*	43.9	33.0	18.7	12.9	0.543	0.522	19.2	16.8

Note: Figures on poverty and extreme poverty are percentages of persons in the population. "Poverty" is insufficient income for food and other basic needs, to cover a basic “basket” for an individual or household. "Extreme poverty" is insufficient income to cover a basic "basket" of food for an individual or household. The Gini index indicates inequality in economic income. A higher number indicates a higher degree of inequality. Data on the ratio between average income for wealthy and poor households refer to the ratio between average per capita income of the wealthiest 10% and poorest 40% of households. The higher the number, the greater the concentration of income with the wealthy.

Data for 1999 are for that year in most cases, but for 1998 for Chile, Guatemala, Mexico and Nicaragua; 2001 for Peru; and 2002 for Panama and the Dominican Republic. Data for 2008 are for that year in most cases, but for 2004 for El Salvador; 2005 for Colombia and Nicaragua; 2006 for Argentina, Chile, and Guatemala; and 2007 for Bolivia and Honduras. These data are only for urban areas for Argentina, Ecuador and Uruguay.

* = Regional figures for poverty and extreme poverty are the median or average of all cases and include Haiti. Regional figures on inequality and the ratio between wealthy and poor household income are the median or average (not weighted) for all cases.

Sources: ECLAC, 2007b, Tables 4, 12 and 14 of the statistical attachment; 2008b, pp. 10-11, 81-86; 2009, Tables 4, 12 and 14 of the statistical attachment).

According to data from ECLAC, as of 1990 the wealthiest 10% of Latin America's population received three times more income on average than the poorest 40%. This ratio worsened through the beginning of the present decade and has improved since then. Income distribution has improved in some countries compared to 1990, however. In recent years, according to OECD, the Gini inequality index averaged 0.52 for the region, much higher than the 0.31 for countries in Western Europe.

But these figures on income distribution are not just economic and social statistics. They have serious political implications too. As we have said, **concentration of income means concentration of power. This changes the public will, as expressed in their vote, and competes with the State's internal sovereignty.**

Social citizenship and tension in the economy

Progress over the last few years in various social indicators must therefore be viewed against the backdrop of harsh inequalities and socio-economic vulnerability for a large part of the population. This continues to generate multiple forms of poverty and inequality. There are various ways to be excluded, to be unemployed, to be unequal, which make it very complex to politically address exclusion, above all when the remedies are merely handouts. This issue will be discussed later as one of the main challenges facing our democracies.

Economic improvement is now also being jeopardized by the worldwide financial crisis, collapsing international trade, and the expectation that even if the current recovery holds, the world economy will grow so slowly that the opportunities provided by international trade, good prices for commodities, foreign investment, and remittances by migrant workers may be less plentiful than in the recent past. Although Latin American economies have been recovering, this scenario generates economic uncertainty and could aggravate social tension over distribution in the region (see Box 3.2).

STAKEHOLDER VIEWS & POSITIONS 3.8

"What the citizenry demands most is to have options to increase economic opportunities." Coordinator of the participatory program by the Government of Guatemala, 10/11/09.

"We haven't seen government actions in Latin America achieve sustained improvement of education, of public health, of the conditions that comprise a decent life."
Ex-legislator and party leader from Argentina, 27/04/10.

"The State's obligation, which is basically education and security, has not been fulfilled here."
President of a Mexican business organization, 22/03/10; paraphrased.

"We have a patriarchal State that continues to reproduce inequalities, not only economic and social, but also gender inequalities. And new inequalities are appearing, such as access to technology." Representative of a CSO 2 from El Salvador, 18/03/10; paraphrased.

"We must expand our concept of what life means. Life is not just "not dying", not being murdered or not starving to death. Life is more than that: it involves all the conditions for human beings to enjoy full recognition of all their rights […] It means health care starting before birth, assisted delivery, proper nutrition, shelter, education, a chance for children to play, for adults to have quality work, that is, a life in which all the potential of human beings can develop. It is a right for individuals and for communities, because otherwise we will lose an immense amount of potential with people who are left behind along the way."
Official in the Executive Branch of Uruguay, 9/12/09.

"'Citizen democracy' is a topic as old as political theory itself. Aristotle already said that if one's home, "oikos", was not in order, it was very difficult to be a citizen. In societies with high levels of exclusion, it is very difficult to think that individuals will readily become citizens if levels of inequality are not reduced. Poverty can be reduced, simply by increasing society's overall income; another way – or a concomitant way – is to reduce poverty levels by also reducing the levels of inequality. Which brings us much closer to the citizens' ideal."
Director of a public bank in Uruguay, 8/12/09.

"The reality is that there are X number of poor, X number of persons who have no access to water, to education, who have wages under the minimum, which in fact is already low, and persons with no social security, who have no retirement … all this must be said. Saying this is not ideology, it is not communism, none of that. […] It is the reality of this country and we have to talk about that, on that basis."
Representative of a human rights CSO from Paraguay, 27-10-09.

BOX 3.1

When conflicts overflow the framework of representation, the government has only two alternatives: either to press on with its policies, resorting to repression or tolerating disorder, or to abandon its policies in order to placate the opposition. Neither alternative is appealing. Spirals of repression and disturbances of public order undermine democracy while repeated concessions leave the government unable to implement any policies. Obviously, in this regard, I am thinking of the recent conflict in Argentina about taxes on exports, but the situation is generic. After the transition toward democracy in Poland, each group that was dissatisfied with some aspect of government policy would go to the capital city, take over the building of the relevant ministry, and would usually get their way. In France, every conflict, from aggressiveness by a train conductor to reformation of the nationwide retirement plan, would stop traffic between Paris and the airport. And one would assume that such goings-on have negative economic consequences.

Source: Adam Przeworski, 2010, document prepared for the project.

In all developed countries, anti-crisis policies have been based on an energetic State reaction (although European economic policies show some backsliding in this regard). The role of the State is, in the current situation, essential, as is acknowledged in Latin America. Although the region has widened its margin to enable anti-cyclical policies, as several countries have shown during the crisis, this margin is narrower in many of our economies and slimmer yet if dynamic economic growth does not return. Despite this reality, Latin Americans continue valuing democracy and the political rights it provides, as we will see in the next chapter.

These last five years have had their ups and downs. The downs remain about the same, but the progress we have described includes new developments in this longest wave of democracy in Latin America.

Analyzing the region's evolution, then, there are clear issues cutting across all spheres of citizenship creation, such as the deficit in State capacity and State power versus *de facto* powers. Various forms of discrimination affect the political, civil and social world and definitely give the unmistakable impression that Latin Americans will be judging democratic sustainability. Democracy will increasingly be judged "by its fruits".

In the coming chapters we will look at the questions that will tip society's judgment, many of them ignored, not discussed, or simply hidden. It is neither easy nor comforting to discuss power.

Chapter 4: THE DEFICITS IN LATIN AMERICAN DEMOCRACY

Crises of representation

If citizens perceive that their political representatives are not promoting their interests, democracy is weakened and its defenders and supporters fall away. This crisis of representation directly affects democratic sustainability, and Latin America, a region that has fought hard to recover its freedom, is now developing some mistrust for, or is at least questioning, its political institutions. Follow are the key factors:

- **Weak electoral proposals.** Part of basic politics in a democracy is to determine 'which way to go', proposing goals for society and ways to reach them. However, some political leaders build their programs simply on the basis of surveys. Or in many countries, party platforms that ought to be based on the terms of the electoral contract and voter options are actually very precarious, voicing only generic goals and dodging any calls to clarify the public policies that might attain them. This erodes the 'quality of choice' and voters come to feel that the only things differentiating the platforms among which they are voting are the individuals heading them. So a kind of 'poverty in programming' develops, and the actual power of the vote is invested simply in individuals, candidates, or even media stars for who they are rather than for the ideas they have. Voters are then just delegating to leaders rather than to implementers of an option for society's future.

- **Democratizing economic debate.** Weak proposals by political parties prevent democratization of economic debate that would otherwise enable citizens to choose the economic and social model that they prefer. Parliamentary debates are feeble, are controlled by the Executive (such as on budgets), or are influenced by powerful economic agents, such as when debating taxes or the regulation of economic activities.

- **Clientelism diminishes voters' freedom of choice.** Clientelism is still common in Latin America. This is when politicians exchange favors for votes or when local bosses order people to vote a certain way. This practice runs through all levels of politics, from the leadership to the grassroots. Yet it works directly against the idea of voters delegating sovereignty and often simply turns political activity into a race to co-opt votes, sometimes illegally, while straying further yet from the ideal of honest competition among multiple platforms.

- **Unequal opportunities among parties.** In Latin America there is notorious inequality among political parties in means for conveying their programs to voters and this distorts competition for votes. Some parties have extensive resources, both public and private, to broadcast their proposals or promote their candidates' image while others don't have these resources. Some have enough funding to flood the media with their message while the proposals of other parties go barely noticed.

- **Regulating public funding for political activity.** While private sector funds can create conflict of interest among political stakeholders, influencing decision-making for their own benefit or even ensuring impunity for irregularities, government funding of political

activity may also be distorted by biased allocation of subsidies or uneven access to government-owned media. Or simply by a lack of control.

- **Citizen participation and representation.** Political parties sometimes view citizen participation through 'direct democracy' or through the activities of civil society organizations (CSOs) and non-governmental organizations (NGOs) as a direct challenge since this can weaken their role in a democratic system. Yet these forms of citizen participation can actually strengthen bonds between representatives and those they represent, demonstrating that **more participation can lead to better representation**.

BOX 4.1

The political representation crisis in Latin America

To understand the manifestations of the representation crisis in Latin America, it may be useful to distinguish between the notions of direct democracy and immediate democracy as critical concepts ofrepresentative democracy Linked to the stigmatization of representative entropy, the perspective of a direct democracy harks back to the Utopia of a people who are constantly involved, as legislators and magistrates at the same time. The idea of an immediate democracy is different. It means that the people can express themselves as a body, as a group that clearly has a direction and takes shape evidently. Direct democracy rejects delegation, the principle of acting and speaking on others' behalf. As for immediate democracy, it rejects the interface, i.e., the institution or procedure that contributes functionally to forming a collective expression. Direct democracy tends to eliminate the mechanisms of substitution that place the representative in place of the constituent. Immediate democracy, in turn, rejects all reflections of social realities (in the sense that it considers only that social structuring and expression presuppose structuring intervention or indicate a position of reflection). It harks back to the figurative dimension of representation, whereas direct democracy is associated with the procedural dimension. At the same time, paradoxically, it may be understood with a very archaic concept of popular expression in which the vote of the collectivity is more like admiration of a charismatic chief than an autonomous, considered collective choice.

Immediacy also harks back to the ancient image of popular acclamation as the vector of immediate, unanimous expression. Immediacy is thus affirmed against the procedural, prudential dimension of the notion of democracy. Democracy is apprehended in this case as a societal form: a united, indivisible body. Criticism of parties then falls under this framework of archaic, pre-pluralistic political culture. From this standpoint, it could be said that there is a rejection of functional pluralism: it is assumed that the general will needs no reflexive interface to take form, existing intrinsically, since the disturbing powers were eliminated that are stigmatized as an internal or external enemy. So, this is a simplifying, reducing way to attempt to resolve the contradictions of the representative system.

Source: Pierre Rosanvallon, 2008. Document prepared for this project.

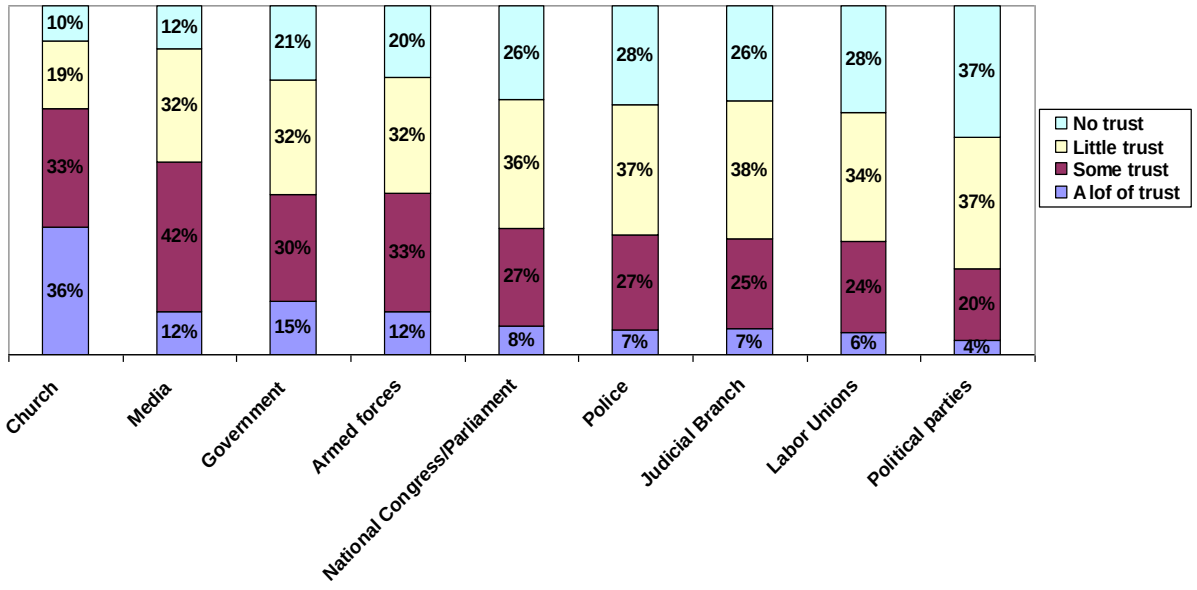
Democracy and representation

While free and fair elections have become common practice in Latin America over the last two decades and have in turn strengthened legitimacy of origin for governments, citizens' perception of political parties, the very agents of representation and one of the main institutions associated with the expression of the people's sovereignty, is not positive. Citizens trust political parties less than they trust any other main institutions (see Figure 4.1) and in every country in the region the great majority of the citizens have reservations about their parties (see Figure 4.2). Thus, analysts regularly perceive crises for political parties and even a general crisis of representation in society.

FIGURE 4.1

Trust in institutions and stakeholders in Latin America. Two sources compared (2009)

A. Latinobarometro



B. Latin American Public Opinion Project

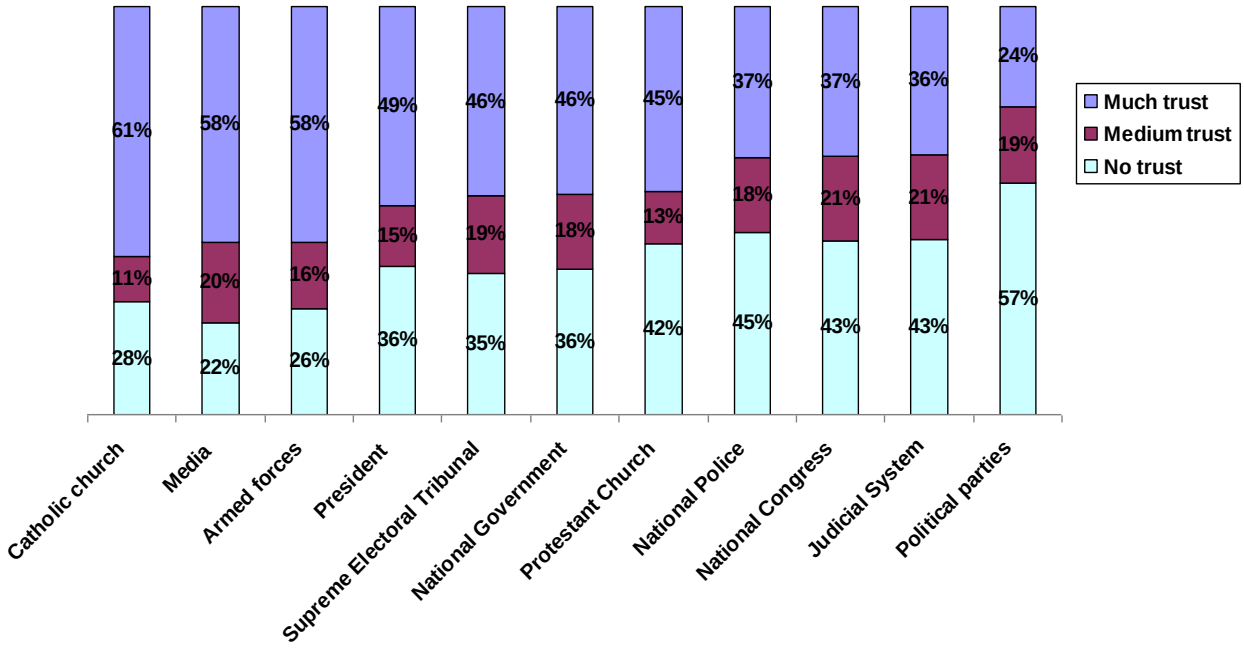


FIGURE 4.1 (continued)

Trust in institutions and stakeholders in Latin America. Two sources compared (2009)

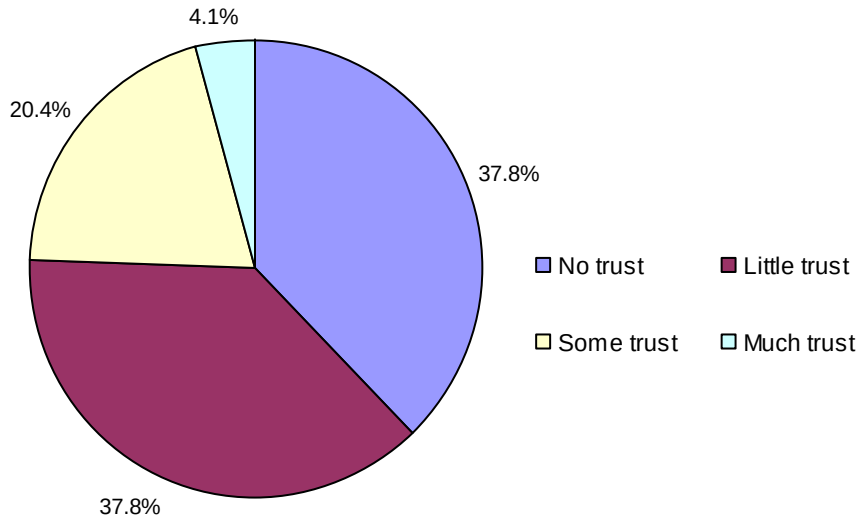
Note: We used questions A60201 (A, B, C, D, E, H, J, K, L, M, N, O) of the Latinobarómetro questionnaire for 2008: “How much do you trust _____ ? Would you say a lot, some, little or no trust in _____ ?” Trust in the media is derived (simple average) from the answers on trust in newspapers, television and radio. We used questions B10A, B11, B12, B13, B14, B18, B20, B21, B21A, B37 from the LAPOP questionnaire for the year 2009: “How much do you trust _____ ?” When asking people how much they trusted each of the institutions and stakeholders that are mentioned, they could respond on a scale from 1 to 7, where 1 expresses no trust and 7 much trust. We grouped low trust under the percentage of answers with 1, 2 and 3. Medium trust is represented by the proportion of answers with 4. High trust corresponds to the percentage of answers with 5, 6 and 7.

Sources: Prepared by the authors on the basis of data from The American Barometer 2009, Latin American Public Opinion Project (LAPOP), www.LapopSurveys.org and Latinobarómetro 2009 www.Latinobarometro.org.

FIGURE 4.2

Trust in political parties in Latin America. Two sources compared (2009)

A. Latinobarometro



B. Latin American Public Opinion Project

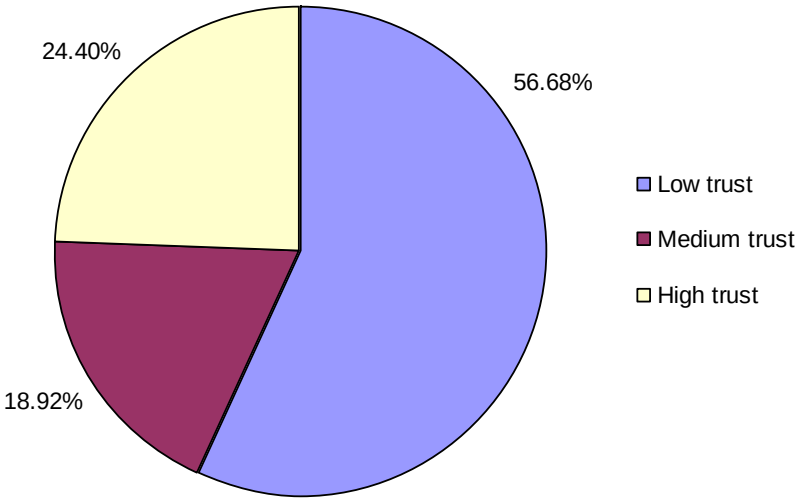


FIGURE 4.2 (continued)

Trust in political parties in Latin America. Two sources compared (2009)

Note: We used question A60201D from the Latinobarómetro questionnaire for 2009: "How much do you trust political parties? Would you say a lot, some, little or no trust in political parties?" We used question B21 from the LAPOP questionnaire for the year 2009: "How much do you trust political parties?" When asking people, they could respond on a scale from 1 to 7, where 1 expresses no trust and 7 much trust. We grouped low trust under the percentage of answers with 1, 2 and 3. Medium trust is represented by the proportion of answers with 4. High trust corresponds to the percentage of answers with 5, 6 and 7.

Source: Prepared by the authors on the basis of data from The American Barometer 2009, Latin American Public Opinion Project (LAPOP), www.LapopSurveys.org and Latinobarómetro 2009 www.Latinobarometro.org.

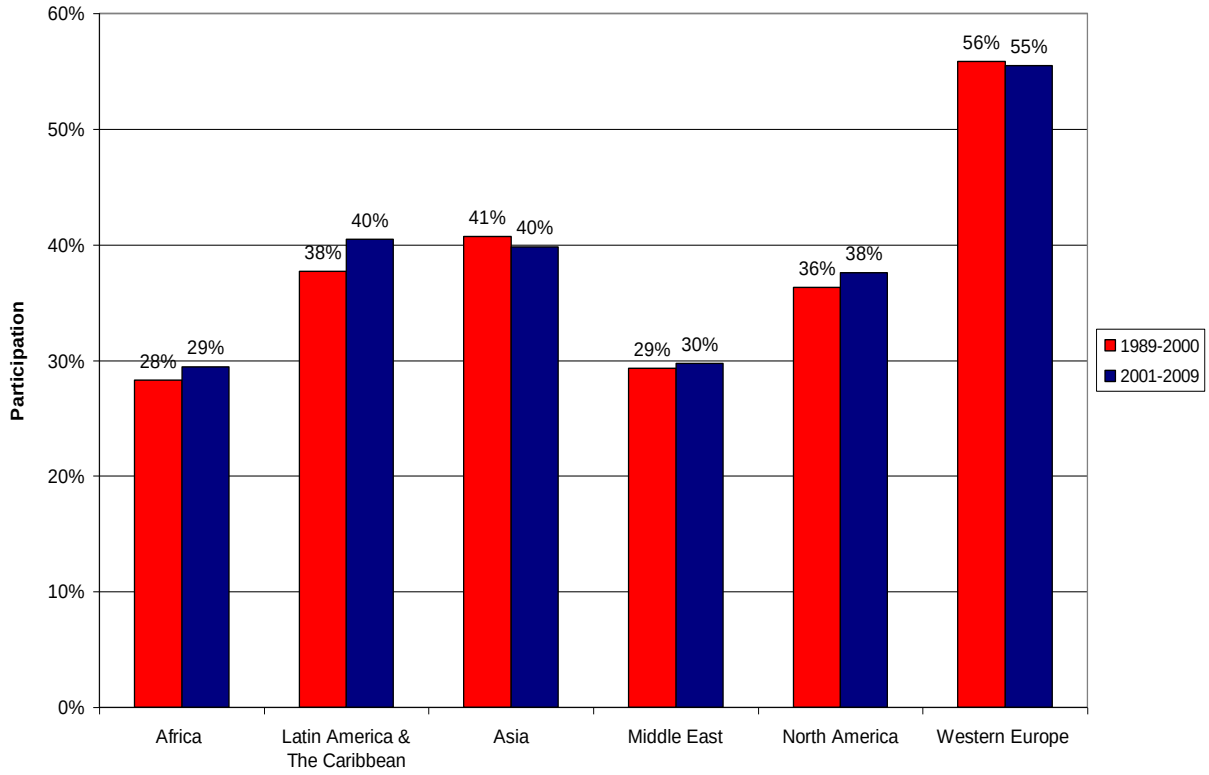
This phenomenon is not exclusive to Latin America, however, and mistrust of parties in fact appears to be nearly universal. Surveys in Europe yield similar figures, where political institutions, particularly political parties, have lost popularity over the last few decades. Some leaders even argue that there the crisis of representation is global. Yet this still mustn't be attributed to the same causes.

In Europe there is consensus that the diminishing role of ideologies, the individualization of society, and the secularization of society are the main causes of the crisis of representation.[51] In general, European society has become less organized and political parties are losing membership.[52] But Latin America is different. The high membership in religious organizations suggests that the relationship between religious and secular life has a different dynamic in our region. And another difference, with very important consequences for the quality of democracy: the loss of 'protagonism' by political parties has been directly linked to the diminishing role of the State.

Still, distaste for political parties has not kept citizens away from the polls in Latin America. Electoral participation has held relatively stable in most countries over the last 10 years and, with the exception of Western Europe, is equal to or higher than that in other regions of the world (see Figure 4.3). Only five presidents out of over a hundred elected since the transition to democracy in Latin America have done so without the support of the voters in a political party.[53]

[51] See A. Ware, 1996.
[52] See W.J. Crotty and R.S. Katz, 2006.
[53] Alcántara refers to the cases of Fujimori in 1990, Durán-Ballén in 1992, Chávez in 1999, Gutiérrez in 2002 and Correa in 2006. See Alcántara, M., *El rol y las capacidades de los partidos políticos en el escenario de pos-transición* [The role and capacities of political parties in the post-transition scenario] (document prepared for the project, 2009).

FIGURE 4.3
Participation in parliamentary elections over the total population (1989-2009)



Note: Percentage of votes cast over total population. The measurement does not consider differences in the population pyramids for each region.

Source: Prepared by the authors on the basis of IDEA Votes Turnout Database, 2010.

The consequences of this crisis of representation are still serious, however. Political parties are a central part of democracy and, as Austrian philosopher and politician Hans Kelsen put it, "modern democracy is grounded in political parties" and therefore "the possibility of democracy without political parties" makes no sense.[54] Yet mistrust has led very high numbers of citizens, and the *majority* in some countries, to feel that it's possible to have democracy without political parties (see Chart 4.1).

[54]Kelsen, H. (1977). p. 36.

CHART 4.1

Perception about parties and democracy

COUNTRY	% OF CITIZENS WHO CAN IMAGINE DEMOCRACY WITHOUT POLITICAL PARTIES
Argentina	32
Bolivia	50
Brazil	45
Chile	52
Colombia	54
Costa Rica	38
Dominican Republic	41
Ecuador	53
El Salvador	47
Guatemala	50
Mexico	51
Nicaragua	47
Panama	54
Paraguay	41
Peru	46
Uruguay	38
Venezuela	35

Note: Question: "How much could there be democracy without political parties?" Survey respondents gave their opinion on a scale of 1 to 7 points, where 1 means none and 7 very much. Answers were recoded on a scale from 0 to 100 points to construct this table.

Source: The Americas Barometer 2008 by the Latin American Public Opinion Project (LAPOP), www.LapopSurveys.org.

Below we'll discuss the situation of parties in Latin America and then the broader issue of representation. First we will introduce the question of the programs that parties prepare, then we'll discuss the role of money in electoral campaigns and the relationship between the media and politics. Finally, we'll consider several forms of citizen participation that go beyond just elections.

STAKEHOLDER VIEWS AND POSITIONS 4.1

"It is increasingly difficult to speak of representation. What used to be more or less homogenous conglomerates – social classes, federations, labor unions, peasantry, etc. – are now crisscrossed by multiple identities. […] Political parties as instruments of intermediation, to process demands, can no longer perform that task the same way as before."
Scholar from Guatemala 2, 10/11/09.

"No politician who wants to renew his or her electoral contract in the next elections can govern without citizen participation. […] Today a politician must necessarily submit to the exercise, to the calisthenics, of day-to-day interaction with the citizenry, listening to their needs, their complaints, concerns, criticisms and denouncements. However, replacing representative democracy by participatory, is simply chaos and anarchy."
Vice President of Paraguay, 26-10-09.

"The function of parties is not performed exclusively in elections; they must remain representative throughout their term of office."
Female Minister of the Executive Branch of Uruguay, 9/12/09.

"Latin American political classes have been accustomed to trust-type representation, which means that the trustee administers the trust as well as they can, trying to do the best things, but without anything to slow them down. And we are moving from that trustee vision of representation to a vision – more typical of civil law – of restricted powers of attorney. […] If people get informed by the media, they will not be so willing to follow their trustees, but are going to demand, every step of the way, that they comply with their mandate. Now then, is that mandate just election day? If there are no programs, and people don't discuss them, then how can we require governments to abide by their mandate? […] There is a phenomenon during the period between elections when the citizenry gets moving, and sets a clear limit on power. There is a 'global political awakening'."
Scholar and former politician from Costa Rica, 16/11/09.

"There are limits on representative democracy that are now becoming evident, even for citizens. Many of the discussions that they participate in refer to how to have more access to information, more transparency, and more capacity to participate and make decisions. […] In this context, the crisis is virtuous, because it is born of citizens' demand for broader democratic standards […] and opens up for examination new pathways and leaps forward that must be taken."
Politician and ex legislator from Chile, 27/04/10.

"It is healthful to emphasize representation, because participation has often been used as a sort of torpedo against parties and representative democracy."
Ex-vice rector of a Colombian university, 17/02/10; paraphrased.

What options are the candidates offering?

One central aspect of representation is the link it establishes between voters and candidates. To establish this link, parties must formulate proposals for how they would govern society and must detail the elements of these proposals. If elections lack these elements, voters simply have no way to choose among substantive options and the candidates who get elected can represent them only as 'the person who won the election'. They don't represent any real choice by society

and they have not been delegated to lead society to a collective destination politically. This is the first aspect of the crisis for parties and their representation (see Box 4.2).

BOX 4.2

Weakening of the bond between voters and parties

The prevailing party divisions, their relative readability, the voters' ability to identify with them, once enabled elections to be relatively central in the democratic process. These characteristics have dwindled since the late 1970s. The appearance of voters who are seen more as "strategists", and the weakening of feelings of belonging to a clearly-determined field have contributed essentially to this movement. Backsliding by the notion of a political program, the automatic consequence of a more unstable universe, with stronger external pressures, has prolonged these effects.

Source: Pierre Rosanvallon, *La crisis de la representación política en América Latina* [The crisis of political representation in Latin America] prepared for this project.

This relationship is crucial and it's difficult, in fact, to imagine any positive change in the relationship between citizens and political parties without major improvement of electoral programs. **In many countries now, electoral programs are precarious, minimal, and generic when they should be specifying clear options for voters and the terms of the electoral contract. They state only lofty intentions, however, such as "We will fight poverty, promote education, health for all, a leap forward in growth, keeping the economy strong and balanced…", and they don't detail any of the public policies that will be used to achieve them**. They sound very inspiring and no one would disagree with them: could anyone be *in favor* of poverty, against education, greater public insecurity, higher inflation, more corruption, and worse macroeconomic imbalance?

In this environment, the quality of political choices decreases dramatically, practical debate turns into personal attacks or clichés, and voters feel that they must choose among platforms that are differentiated only by the individuals heading them. Candidates merely reiterate the same goals and thus leave the voters to vote for nothing more than whichever one they hope can govern better. They are left to vote for individuals, candidates or leaders rather than for good ideas. Then the only thing that has happened is that a leader has been delegated, rather than someone to implement society's choices. Leaders are not necessarily better implementers, but they do know what direction *they* want to go in.

Often these candidates construct their campaigns largely on the basis of surveys and formulate their political platform reactively rather than proactively. They don't lead programmatically but instead attempt to hear the voters' demands, even when these demands are contradictory to their (the candidate's) goals. Their priority is simply to satisfy the greatest number and at such a level of generality that no portion of the electorate will be offended. Of course it's reasonable to try to avoid 'scaring away' potential supporters, but this practice of making general vagueness the standard for communicating with them ultimately just dilutes the electoral system and options fade away.

Further, few Latin American political parties have standing think tanks to inform debate and produce planks (campaign initiatives) for their platforms. Any such study groups or think tanks that they do form are occasional, function only around election time, and may even be controlled by the image or propaganda director, who simply considers it advertising rather than part of a national policy goal (see Box 4.3).

BOX 4.3

Parties with programs versus personalized leadership

There are two party scenarios in Latin American politics. The first is a scenario where politics is the business of stakeholders integrated as political parties that have some tradition in their activity. They set programs with more or less clear, stable ideological orientations, they alternate with relative frequency in power, supplying the human resources, and they have waning support by the public in terms of accepting their role, as is happening elsewhere in the world, although the mistrust that they project is somewhat more marked.

The second is a scenario where politics, after a slow process of party deterioration, with atomization, loss of leadership and proliferation of scandals involving corruption, has witnessed that, rather than making people participate less, participation is activated in a dynamic new situation where the old parties become irrelevant and the new forms of political leadership, highly personalized, do not need, for the time being, parties as instruments in the old way. However, they do activate mechanisms of a party nature, with very similar functions to classical parties, but losing those most closely related to the operation of representative democracy.

Source: Manuel Alcántara, *El rol y las capacidades de los partidos políticos en el escenario de post-transición* [The role and capacities of political parties in the post-transition scenario]. Document prepared for this project.

These methods may be appropriate to win an election, but what are the real costs and what is the final effect? One effect is that Latin American parties have a comparatively low level of programmatic structuring. This paucity of actual proposals shifts the emphasis to the candidates' personalities, which in the most extreme cases fosters the emergence of messianic leaders. There is little differentiation among ideas and, again, candidates' personalities fill the void. One other effect is that the very general ideas on which party leaders base their campaigns are out of sync with voter preferences (see Box 4.4).

BOX 4.4

Programmatic match between voters and party leaders in Latin America

A study by Juan Pablo Luna and Elizabeth-Jean Zechmeister (2005) analyzing "the levels of programmatic congruence (according to the paradigm of governance of the responsible party) between voters and leaders of the main political parties in nine Latin American countries" constructs two estimates ("conservative" and "optimistic") about the degree of programmatic congruence in each case. […] According to the results obtained, in the late 1990s, the party systems of Chile and Uruguay had the highest levels of programmatic structuring (with scores of 6,9 and 6.5, respectively, in the conservative estimate, and 9 in the optimistic one), followed by Argentina (4.5 and 6.5), Colombia (2.3 and 5.5), Brazil (1.6 and 3.5), Bolivia (1.5 and 1.5), Mexico (0 and 2), Costa Rica (–0.1 and 3.5) and Ecuador (–0.1 and 3.5).

Sources: Juan Pablo Luna and Elizabeth-Jean Zechmeister, "The Quality of Representation in Latin America," *Comparative Political Studies* Vol. 38, Nº 2, 2005, pp. 388-416, and Juan Pablo Luna, "Representación política en América Latina: el estado de la cuestión y una propuesta de agenda," [Political representation in Latin America: the state of the issue and a proposed agenda], *Política y gobierno,* Vol. 14, Nº 2, 2007, pp. 391-436 and 412-13.

Yet the most serious consequence is that, for any candidate who wins this way, their power is legitimated by society, and much of that legitimacy is obtained by the high degree of representation demonstrated in the election. But representation, legitimacy, and power should form a triangle held together by the power to transform and to apply policies, and by feedback to the voters, those who granted the legitimacy. When parties weaken their representation by diluting their message, however, not only do they tend not to be affected (because there is little substance there to begin with) but they also seriously destabilize the democratic system.

To put it another way, representation breaks down when the perception spreads that "we are delegating to someone who doesn't represent us", or, when legitimacy of exercise contradicts legitimacy of origin. An exhaustive study of parties in Latin America has in fact concluded that there is a connection between the crisis of representation and support for democracy. "The more superficial and shifting the link between elites and the general public, the less committed is the public to the democratic regime. In an extreme case, this situation may result in a citizenry more willing to accept a step backward, toward a more authoritarian system."[55] **So the crisis of representation often becomes a crisis of democratic power. That is, a crisis of democracy itself.**

[55]H. Kitschelt. K.A. Hawkins, J.P. Luna, G. Rosas, E.J. Zechmeister, 2009, p.302.. authors' translation.

STAKEHOLDER VIEWS AND POSITIONS 4.2

"If there are no programs, people don't discuss them, so how then can we require governments to abide by their mandate?" Scholar and ex politician from Costa Rica, 16/11/09.

"Under democratic regimes, citizens are supposed to punish their leaders or political parties if, during their term of office, they fail to keep their promises and responsibilities. And consequently that punishment may involve replacing that government by the other party, which has a proposal that satisfies the majority. [However] majority parties are so similar to each other that the citizenry has practically no mechanisms to punish them by replacing the one party by the other on the basis of their proposals. […] Accordingly, enforcing their citizens' rights politically is blocked by parties' behavior, responding more to de facto powers than to citizens' expectations." Representative of political party from the Dominican Republic, 16/11/09.

"The issues of social exclusion, of poverty, will be hard to keep off the political agenda […] But I wouldn't like to call that a consensus, because the stress ought to be on the 'how-tos'. […] For example, no one is against macroeconomic stability; where there are differences is in how to achieve it." Scholar from Costa Rica, 17/11/09.

"When [parties] reach the presidency, sometimes they do not yet have a plan of governance. […] There is a great long-term responsibility for education, so citizens can be much more demanding as overseers." Representative of a chamber of business from Costa Rica, 17/11/09.

"Parties don't dare to touch on those issues that are unpopular. This is not a pathology. In a democratic system, parties have two missions: one is to choose the persons who will occupy State bodies, and the other is to implement policies that are backed by consensus or broad majorities. The system's rules say that taking up unpopular, harsh or problematic issues, adopting bold proposals, is not politically profitable and is generally avoided." Political leader from Uruguay, 9/12/09.

"We have allowed political debate to deteriorate increasingly, to a level at which we cannot even discuss the core issues, at which it doesn't matter what anyone says, because we know that they will not keep their word anyway, at which political parties present major statements but cannot allow their hair to get messed up by presenting proposals that they know someone might object to. And we are all in that sort of game […] When have we demanded for a government to implement their plans? No one demands this, because there is an agreement that no one will demand that […] There are stakeholders who have a primary responsibility for this [deterioration of the quality of political debate]: the media, for example." Representative of the chamber of industries from Guatemala, 10/11/09.

Democratizing economic debate

A key example of weakness in electoral platforms is the lack of debate about the economy, about options for improving it, and about how to effectively address the seriously unequal distribution of wealth. Social outcomes are not independent of economic and social organization yet highly unequal societies tend to generate institutions in which social protection is more limited and taxes are less progressive, in which excluded constituents have little voice and are generally left out of political negotiations where issues essential for their well-being are decided on.

This brings us to the need to *democratize economic debate*, to make a reality of the principle that democracy enables citizens to choose the economic and social organization they prefer. Despite much progress since the transition to democracy, Latin America's political debates on economic issues remain languid and are often held behind closed doors. Not infrequently, legislatures tend to delegate their powers to the Executive, thereby reducing democratic debate and consensus-building. But even when this does not happen, parliamentary debates are feeble or are controlled by the Executive (e.g., budget discussions), or are influenced only by powerful economic agents, as when debating taxes or regulation of private activities. In this case, the criteria used to evaluate economic policies center on the effectiveness of these policies to meet the goals set by government and ignore whether they are compatible with the choices of citizens through the democratic system (see Box 4.5).

BOX 4.5

Economics for democracy

[…] [In the] tension between democracy and economics, a normal hierarchy of values requires economic principles to be subordinated to democracy rather than vice versa. However, the criteria generally used to judge the foundations of a policy or reform are often the criteria of economic effectiveness.

Source: Jean-Paul Fitoussi and Éloi Laurent, *Economía política, economía democrática* [Political economics, democratic economics]. Document prepared for this project.

It is essential, then, to strengthen those mechanisms that enable more democratic debates on many of these topics. There are several excellent institutions that offer technical advisory assistance for parliaments, such as the Center for the Study of Public Finance (CEFP) in Mexico, the US Congress' Research Service, and the Brazilian Congress' Legislative Consultancy. There are also numerous civil-society organizations promoting public information on economic issues and there is also enthusiastic public support for the creation of technical entities to facilitate participation in public debate by social groups that otherwise have only a weak voice.

One particularly crucial case is the promotion of budget transparency. Such transparency is vital to building democratic institutions, consolidating rule of law, and coordinating channels of communication and feedback between society and government. Vertical control by society is fundamental in this case, as are horizontal control by regular fiscal supervisory bodies of the State and government actions for accountability to the citizenry. The Latin American Report on Budget Transparency for 2007, which involved non-governmental organizations, universities and research centers in 10 Latin American countries, concluded that citizen participation, strengthening of domestic oversight bodies, and timely publication of public spending information are still goals to be pursued in the budgeting processes of most countries in the region.[56]

Another issue in the relationship between economics and democracy is the case of autonomous economic bodies within States, especially central banks and regulatory agencies. These bodies

[56] *See FUNDAR, Índice Latinoamericano de Transparencia Presupuestaria* [Latin American Index of Budget Transparency, http://www.iltpweb.org, based on a comparison of nine countries: Bolivia, Colombia, Costa Rica, Ecuador, Guatemala, Mexico, Nicaragua, Peru and Venezuela.

may be useful to ensure that their decisions are shielded from day-to-day political debate but they operate in democratic contexts, their aims must be explicitly defined by policy, there must be mechanisms for dialogue and consistency with policies set by other bodies (governments), and they must be subject to parliamentary oversight.

In the case of central banks, traditional debates about the aims of their policies hinge on whether these bodies should focus on economic variables beyond inflation, particularly economic activity and employment and, in developing countries, the level and volatility of the exchange rate. Some constitutional and legal frameworks for central banks do in fact include other aims, such as the Federal Reserve in the United States (which focuses on inflation, full employment, and moderate long-term interest rates), while others explicitly mention in their constitution "coordinating with general economic policy" which, by definition, is set the government (such as in Colombia).

But no event has been more useful for understanding the need for a broader perspective on the aims of central banks and the need for political oversight of them than actual financial crises. **Preventing crises must be a fundamental aim of central banks, as well as of the financial regulatory authorities, when such functions are assigned to government agencies other than central banks**. Crises not only have very steep social costs, but also demand major fiscal resources to resolve them. For these reasons, an adequate system of accountability is essential along with close coordination among the parliaments who design public spending and the Executive Branches who administer it.

Thinking about policy oversight of autonomous agencies forces us to rethink the way their actions are publicly debated, and especially the actual capacity that a congress has to carry out this policy oversight. Just as with budgeting, the act of creating technical agencies associated with parliaments or of using technical commissions they have set up, along with societal institutions to publicly debate their policies and promote transparency in their actions, is key to making central banks autonomous but keeping them consistent with democratic principles.

Another important way to democratize economic debate is to institutionalize platforms for economic and social dialogue where all social stakeholders, not just the main economic groups, can openly discuss the issues and agree as a group on the country's agenda.

Institutional architecture in most developed countries and in some developing countries includes **economic and social councils,** which are multi-sectoral platforms institutionally integrated into the political architecture, where the main issues of the economic and social agenda are discussed. This lends greater legitimacy to any consensus that is reached and ensures greater medium- and long-term sustainability. **These councils can contribute to democratizing economic and social debate and to building consensus** (see Box 4.6). Some Latin American countries, such as Brazil, have already moved in this direction and others have had similar mechanisms for some time now (especially for tripartite dialogue on labor issues) that also help reach favorable outcomes. These platforms for economic and social dialogue must help in any event to strengthen, rather than weaken, the legitimacy and effectiveness of representative political institutions such as parliaments.

BOX 4.6

What is an Economic and Social Council (ESC)?

There is no formal definition, since there are many kinds of ESCs with very different characteristics and competencies. Nevertheless, a general definition is as follows: Economic and social councils are consultative bodies comprising representatives of organized civil society, mainly business and labor union organizations, for the purpose of orienting public policies in social,labor and economic areas. ESCs, then, are the combination of three elements: representation of interests, social dialogue and institutionalization.

— Representing interests. This enables citizens to participate in the political system, not just be casting their vote in elections, but also through the organizations representing their most immediate interests. So, ESCs play a very important role, complementing the popular representativeness of Parliament by representing the interests of organized civil society.

— Social Dialogue. ESCs are also seen as ongoing fora for social dialogue, as institutions to coordinate and organize the country's different economic interests in order to boost economic competitiveness, development and social cohesion.

— Institutionalization. In all democracies there is some mechanism to coordinate organized interests. Some are informal, such as pressure groups or lobbying, widespread in the United States, or any agreements between social agents and governments. However, ESCs have institutionalized the representation of interests for consultative purposes at a constitutional or infra-constitutional level. Nevertheless, they are by no means parallel legislatures alongside Parliament, since they have no power to issue binding laws.

This all makes them an essential ingredient of modern, participatory democracies.

In summary, we can say that ESCs have the following features in common:

- They are consultative political bodies, not technical bodies issuing impartial opinions.
- They have a consultative function, specializing in social, labor andeconomic issues.
- Their membership is representative of organized civil society.
- They are ongoing fora for dialogue.
- They are by no means legislative bodies.
- They have no legislative or decision-making powers.

Source: Jaime Montalvo Correa, President of Spain's ESC, " Los Consejos económicos y sociales u otros órganos similares" [Economic and social councils or other similar bodies], Tenth Congress of CLAD on Reform of the State and Public Administration, Santiago, Chile, October 2005, pp. 2-3.

Another practice is **participatory budgets**, which have one core goal: to provide a way for citizens to directly influence decision-making on government budgeting. These processes ensure that public spending priorities are in line with citizens' needs and they promote citizen participation. They promote access to public information, they promote greater transparency, and they generally result in greater efficiency and effectiveness in governance.

Participatory budgets are probably not a viable option at the national level, however, although they have potential at the sub-national level. Since the ground-breaking experiment in Porto Alegre the late 1980s, participatory budgeting has been adopted in at least twelve cities in Brazil as well as in the state of Rio Grande do Sul and in several cities in Argentina, Bolivia, Colombia, Ecuador, El Salvador, Mexico, Peru, Uruguay, and Venezuela (including Buenos Aires, Caracas, and Montevideo)(see Box 4.7).

BOX 4.7

Factors in the success of participatory budgets

Studies of the numerous experiences in participatory budgeting (PB) in Latin America conclude that their success depends on pre-existing conditions and certain characteristics regarding institutional design.

Prior conditions:

- Political will: The party involved, especially the mayor and officials responsible for the PB, must be ideologically committed to opening up channels to enable citizen participation in order to share in decision-making.
- Social capital: The local community must have civil associations, preferably willing to participate in municipal affairs.
- Competent personnel: The municipal administration must have technically qualified employees.
- Small size: The municipality, or at least the district used for decision-making, must not be so large that this discourages collective action.
- Sufficient resources: Municipal governments must have enough funding to implement public projects and social programs.
- Legal platform: Existing laws must enable and preferably encourage citizen participation in budget decision-making.
- Political decentralization: Mayors and council members must have been elected by democratic processes.

Institutional design:

- Focus on immediate needs vs. long-term planning: Some maintain that a key to success in PB is to focus discussions on a broad range of practical, immediate needs; others feel that this approach undermines debate about more transcendental issues with long-term effects.
- Informal vs. formal: Some favor giving the PB an informal, open structure, to enable individuals or groups to participate without granting privileges to existing organizations, which can be modified by the participants themselves; others feel that, to avoid political manipulation of the PB by incumbent parties and guarantee the representation of major political and societal stakeholders, the PB must be formalized by law.
- Deliberation: Participants must discuss face to face and have decision-making power about the budgeting process, at least in regard to priorities for investments to be made.
- Centralized supervision: The mayor must be directly involved in coordinating the PB process.
- Accessible rules and information: The rules, including the criteria for allocating resources among neighborhoods and budget information, must be available and accessible to the general public.

Source: Benjamin Goldfrank, “Los procesos de presupuesto participativo” [Participatory budgeting processes] in “América Latina: “Éxito, fracaso y cambio” [Latin America: success, failure and change], Revista de Ciencia Política, Vol. 26, Number 2, 2006, pp. 3-28.

STAKEHOLDER VIEWS AND POSITIONS 4.3

"If no means are opened for citizens to participate, the economic interests of a small group are likely to predominate."
Scholar from Costa Rica, 17/11/09.

"If we ask the politicians whom they talk to in their daily lives, they talk to the de facto powers, and only more sporadically and circumstantially with the citizens."
Representative of a CSO from Mexico, 22/03/10; paraphrased.

"The economic debate suffers two major handicaps: one is the chaos in public information that should inform that debate; the other is a lack of mechanisms to process economic issues that can be translated into political debate on the economy. Congress is not organized, and has no capacities for economic debate; everything has been left to the Executive."
Mexican scholar 2, 22/03/10; paraphrased.

"Democratization of economic debate has an element of a paradigm that must change. […] The need for technical solidity is viewed with constant terror of a technocracy that will seize power from the politicians. […] And to democratize economic debate, we have the central problem that, at some point, some issues are left out of political debate because, if they are discussed politically, they will be contaminated. For example, the independence of the Central Bank. If anyone brought that up, they would be branded as a heretic, running against the orthodoxy – not economic orthodoxy, but the orthodoxy of politically correct discourse."
Senator from Uruguay 3, 9/12/09.

"Participation by the business sector must be valued, considering business as just another stakeholder in society […]. Resolving the dialogue will sit these sectors down together and recognize the validity of the private sector and the other societal sectors. […] Cooperative stakeholders, workers, even organized women, peasants, will say 'why aren't we allowed to talk about the economy, and only the business sector can talk about economics?'."
Representative of a CSO from Costa Rica, 17/11/09.

"The budget, which the country runs on and should be one of the citizenry's most valued topics, doesn't even merit a single question by journalists. It is the large financial and business groups who are paying attention to the budget."
Advisor to a Colombian presidential candidate, 17/02/10; paraphrased.

Political and fiscal cycles

The social, political, and economic impact of crises of representation is also illustrated by persistent political and fiscal cycles in the region.[57] These basically reflect arbitrary management generally, explicitly, or implicitly supported by pressure groups (public and/or private) using economic, fiscal, and/or monetary policy instruments for exclusively electoral purposes (see Box 4.8).

[57]See Quijada, A., *Ciclos políticos y fiscales en América Latina* [Political and fiscal cycles in Latin America] (document prepared for the project, 2009).

BOX 4. 8

Political cycles in Latin America: opportunism vs. ideology?

The literature on political cycles refers to two complementary visions: The opportunistic cycle (Nordhaus, 1975) and the partisan or ideological cycle (Hibbs, 1977).

In the opportunistic cycle, the incumbent authority / party seeks to remain in power by directly manipulating fiscal and/ or monetary aggregates to induce cycles in production and unemployment. So, economic activity and employment will expand prior to elections and then fall back after elections.

In Latin America the empirical evidence indicates that there are opportunistic cycles in fiscal management. In presidential election years, there are general, primary deficits near the GDP mid-point. These deficits are generated by higher current expenditures, increasing on the average by 0.5 % of the GDP in election years. By contrast, in OECD countries the political cycle is generally associated with a contraction in fiscal income during electoral periods.

Impact of presidential elections on fiscal aggregates

Variable	Coefficient	Deviation
General Balance (% GDP)	-0.45	0.19
Primary Balance (% GDP)	-0.49	0.18
Current Spending (% GDP)	0.50	0.16

Note: coefficients significant to 5%.

In the partisan vision of the political-fiscal cycle, the incumbent individual / party gives priority to specific macroeconomic goals according to their ideological preferences. Right-wing incumbent rulers / parties aim for low inflation rates at the expense of higher unemployment rates, while leftist incumbents focus on reducing unemployment, even if this entails higher inflation.

Partisan cycles are also quite significant for the region. However, regardless of the ideology of the political party that is in power, we have seen increased current spending and deteriorating primary balances in presidential election years. Increased current spending when the party in power is leftist is three times higher than the estimated increase for right-wing parties (1.01 vs. 0.34).

Impact of ideology on fiscal aggregates during presidential election years

Variable		
Left-wing	Coefficient	Deviation
Primary Balance (% GDP)	-0.88	0.36
Current Spending (% GDP)	1.01	0.26
Right-wing		
Primary Balance (% GDP)	-0.36	0.20
Current Spending (% GDP)	0.34	0.15

Note: coefficients significant to 5%.

Source: A. Quijada, Ciclos políticos y fiscales en América Latina [Political and fiscal cycles in Latin America. Document prepared for this project, 2009.

The recent evolution of a number of economic aggregates corroborates the monetary and fiscal impact of political cycles. In particular, the overall public deficit increases significantly during election times (from -1.74% to -2.67%). Further, in election years, the primary deficit averages 0.06%, contrasting sharply the region's primary surplus of 0.87% in non-election years.

And the negative consequences of more relaxed economic management during election periods are significant. These include distorting electoral campaign funding (which we will analyze in greater detail below), weakening of government capacity to formulate, implement, and enforce public policies, and significant macroeconomic imbalances.

When government deficits swell, **discretionary management of economic policy for electoral purposes reduces the government's maneuvering room to design and implement coherent, sustainable public policies**. This short-sightedness can then lead to inefficient, unequal reallocation of resources, giving priority to what is electorally profitable and relegating what is socially indispensable and achievable to the sidelines. This would be, for instance, implementing temporary public employment programs without any clear goals regarding job stability, creating or expanding social assistance programs hurriedly and without a budget, or implementing and then abruptly ending public works projects, among others. These may yield major short-term electoral victories for whoever is the incumbent, but result in medium- and long-term frustrations, setbacks, structural adjustment measures, and greater socio-economic vulnerability for the citizenry.

Yet this can be avoided through sound institutional frameworks that ensure effective oversight of public budgets and through greater coherence among the development goals offered during the campaign, the public policies to attain them, and the resources available.

Funding election campaigns: money and politics

Another central aspect of crises of representation concerns the role of money in election campaigns. The money in campaigns, how it is obtained, and how it is spent ultimately play a decisive role in building power by determining access to decision-making positions, and it also plays a major role in public policy. Funding and the crisis of representation are deeply related and funds available to parties and candidates may provide a clear advantage over their competitors (see Box 4.9). Money is actually a major factor in establishing a 'link of representation' between voters and candidates because access to the mass media is expensive. The influence of money in campaigns has increased as costs have continuously risen with greater operational complexity (organizing and administering campaigns, consultants, marketing, advertising, surveys and communication technologies).[58] Therefore, the crisis of representation results not only from the weak programmatic quality of political parties but from funding inequities too.

[58] The cost of the US presidential race in 2008 was approximately 2.4 billion dollars, twice the cost in 2004 and triple the cost in 2000. See the *Times,* "Campaign cost tops $5.3bn in most expensive White House race in history", 24/10/08.

BOX 4.9

Money as a barrier to keep people out of the electoral process

Although it would be foolish to claim that having financial resources for candidates and parties is enough to determine electoral outcomes, obviously funding can pose significant barriers to keep certain groups out of the electoral process. The increasing cost of elections is not, of itself, a sign of democratic pathology. However, poor distribution of economic resources among electoral contenders is almost always such a sign.

Source: Kevin Casas and Daniel Zovatto, *Para llegar a tiempo: Apuntes sobre la regulación del financiamiento político en América Latina* [Getting there on time: Notes on political funding regulation in Latin America]. Document prepared for this project.

In some cases government also funds political activity and this has served as a boost to private funding. Although it has been generally favorable for electoral competition, it has had limited success in balancing funding among parties. And where private sector funds can cause conflict of interest by influencing decision-making for the donor's benefit or even ensuring impunity for illegal activities, government funding of political activity may be distorted by skewed allocation of direct subsidies, lack of oversight, or uneven access to government-owned media (see Chart 4.2).

To create a more equal environment for electoral competition, regulatory policies have focused on four areas: funding source, mechanisms to allocate government subsidies, electoral spending and financial transparency, and the system of penalties. The results have been inconclusive and there is no blanket solution yet (see Box 4.10), although there is some consensus about best practices, such as:[59]

- adopt combined, transparent systems, subject to rigorous oversight, where political activity is funded both by the private sector and the government
- reduce the importance of money by cutting costs, shortening campaign periods, and granting access to the media (which are a large portion of election spending) free of charge
- create stricter criteria for private contributions to avoid conflict of interest, as in the case of government contractors
- strengthen oversight and inspection agencies, usually the responsibility of electoral authorities
- oblige competitors to be accountable for campaign expenses
- recognize parties as public organizations that must operate stably and therefore allocate specific funds for institution building and program formulation between election periods
- pursue incremental reforms adapted to the particular features of each political context

[59] *See* Casas, K. & Zovatto, D. *Para llegar a tiempo: Apuntes sobre la regulación del financiamiento político en América Latina* [Getting there in time: Notes on regulating political funding in Latin America] (document prepared for the project, 2009).

BOX 4.10

The complexity of regulating money in politics

There are no obvious regulatory solutions, much less unique ones for the challenges posed by the role of money in politics. The miracle cures typically offered in discussions about reforming political funding are nothing more than mirages. In this area, regulation entails complex normative and practical choices, […] [that] are loaded with values restricting the range of acceptable solutions to a certain political context.

Source: Kevin Casas and Daniel Zovatto, *Para llegar a tiempo: Apuntes sobre la regulación del financiamiento político en América Latina* [Getting there on time: Notes on political funding regulation in Latin America]. Document prepared for this project.

The serious inequality of income in this region also makes balance in campaign finance even more essential and, in fact, the greater the income inequality the greater the interventions required. Political funding should be a central issue on the Latin American agenda.[60] **Unequal competition and the influence of de facto power groups are among the major reasons for political distortion in Latin American democracies**. The consequence of inadequate regulation of campaign funding is that, rather than fulfill its electoral mandate, the government that wins ultimately gives priority to the groups that funded its campaigns.

[60]To explore this topic in greater depth, see OAS & Idea Internacional (2004).

STAKEHOLDER VIEWS AND POSITIONS 4.4

"In our country the power sectors take advantage of what few resources the political parties receive and do not avoid conflicts of interests, because they set up a candidate who will be responsive to their interests in Parliament."
Representative of a Federation of CSOs from Paraguay, 26-10-09.

"The electoral system favors those who have more money to spend, and political marketing that has broken out over the last few years assumes that their campaigns will have to sell our proposals, no matter how […]. The media don't help, either, because what they care about is political showmanship more than solving problems."
Legislator from Panama, 17/11/09.

"We believe in the importance of transparent political funding mechanisms [because] this funding leads to clientelism, to involving mafias – we all know how strong mafias, organized crime and drug traffic have grown in our countries. There is also blackmail through control by persons or groups and departmental control by many local politicians who blackmail their own governments to set conditions for their support."
Representative of a chamber of business from Guatemala, 10/11/09.

"Whoever goes into politics has the vision of being able to recover the capital invested in their campaign. Not even the Supreme Electoral Tribunal has to power to enforce norms on political campaigns."
Representative of a CSO from Guatemala 1, 10/11/09.

"It is easy to say that one will do without the de facto powers once one gets into office. But one has turned to them in order to win, looking for their help. And in politics, you have to know that any donations are made as investments, and all support comes with an invoice. So, if at the beginning you have gotten help from the de facto powers, it isn't true that they are going to let you govern against their interests[…]We have to reconsider this issue of funding political parties."
Scholar from the Dominican Republic, 17/11/09.

"In Mexico, excess public funding has led to a threefold degradation of parties' life. First, regarding voters, the culture of handouts, of gifts for the poorest; second, the fact that the media have become blackmailers; third, the phenomenon of degradation of the relationship between party militancy and society. Supporters arise for elections but decline between them, which is a central factor in the crisis of representativeness, because it means that parties are not channels for conveying citizens' demands, but just a source of employment. […] To avoid losing competitiveness versus the other parties, none of the parties has any real desire to face this problem. So, there is no really serious discussion of this topic, not even within parties."
Mexican scholar, 22/03/10; paraphrased.

"The issue of party funding must be resolved, but not only regarding campaigns […] but also so that parties can have ongoing presence and act in the public arena. […] Parties must also become transparent and clarify the process for selecting candidates for positions of popular representation."
Vice president of a political party from Chile, 27/04/10.

"Illegal funding from drug traffic affects the whole region increasingly. This is the basis for para-politics. So, drug traffic is much more than an issue of public security."
Ex-vice rector of a Colombian university, 16/02/10; paraphrased.

"The issues of funding and programming must be seen as the two sides of the same coin. The accountability of political parties must be reinforced, both for their representatives and regarding internal decision-making. Both parties and legislators have enormous difficulties in making public their actions and decisions. And de facto powers, both legal and illegal, often determine the programs and decisions of parties and representatives."
Representative of an NGO working for transparency in Colombia, 17/02/10; paraphrased.

Politics and the media: access to information and freedom of speech

The relationship between democratic governance and the media is an essential issue in public debate on democracy. The media perform tasks that are essential to democracy, like providing citizens with information and promoting accountability by playing a kind of oversight role. This is why it is so important for democracies to ensure freedom of opinion, freedom of expression, freedom of the press, plurality in information, transparency, and free access to public information with freedom of speech so the right to information is respected and has a beneficial effect on the outcome.

The rights to freedom of opinion and freedom of expression are fundamental in democracy of citizenship.[61] Article 19 of the International Covenant on Civil and Political Rights (ICCPR) states that freedom of opinion and freedom of speech consist of three different elements: (i) the right to hold opinions without interference; (ii) the right to seek and receive information, or the right to access information; and (iii) the right to disseminate information and ideas of all kinds, regardless of borders, whether orally, in writing, in print, in artistic form, or by any other procedure.

The rights to freedom of opinion and freedom of speech, like all rights, impose legal obligations on states: (i) to respect the rights or to refrain from interfering with enjoyment of these rights; (ii) to protect (these rights), or to exercise due diligence to prevent, punish, investigate and compensate for the damage caused by private persons or entities; and (iii) to enforce these rights, or take positive or proactive measures in order to enforce them.

As highlighted by Resolution 12/16 of the UN Human Rights Council (OHCHR), “Exercising the right to freedom of opinion and expression is one of the essential pillars of a democratic society, is fostered by a democratic setting that, among other things, offers guarantees for protecting it, is essential for full, effective participation in a free, democratic society, and is decisive for developing and strengthening effective democratic systems” (Preamble, paragraph 2).

So international convention is that all persons have the right to access the information they need to construct opinions or make decisions. However, there are still groups who have been excluded from this right, such as women, minorities, and indigenous peoples and this is what happens when States fail to promote or ensure access to the means to receive or express opinions. Rather, States must take concrete, immediate actions to guarantee these groups and the general public access to all communication and information media, including new technologies, such as Internet, to build social networks that remain active and are useful, particularly in emergency situations, or simply to receive and convey information.

The importance of freedom of opinion and freedom of expression in developing and strengthening effective democratic systems lies in the fact that they are closely related to the rights to freedom of association, freedom of assembly, freedom of thought, freedom of conscience, freedom of religion, and freedom of participation in public affairs. In fact, freedom of opinion and freedom of expression symbolize more than any other the indivisible, interdependent, nature of all human rights. So, effective exercise of these rights is an important indicator of other human rights and fundamental freedoms, as well as a major tool in the struggle against impunity and corruption.

[61]The definition of freedom of opinion and expression given here was prepared by Frank La Rue, Special Rapporteur for the UN Secretary-General for Freedom of Speech. Also see the vast work on this topic done by the Inter-American Human Rights Commission at www.cidh.org

Moreover, freedom of opinion and freedom of expression, although individual rights in the broadest sense, are also collective rights under which social groups can seek and receive plural, diverse information or issue their collective opinions. Such freedom extends to collective expressions of different kinds, including public observance of their spiritual or religious beliefs or cultural manifestations. It is also a right for whole peoples because, by effectively exercising it, they can develop, make themselves known, and maintain their culture, their language, their traditions, and their values.

These freedoms comprise the unquestionable principle of the relationship between politics and the media in any kind of democracy.

BOX 4.11

Media and democratic quality in Latin America

Strengthening pluralism in the media in Latin America requires both public policies and the involvement of different stakeholders. Policies must be grounded in an assessment of the problems in order to reinforce democratization. The contemporary media scenario has its ups and downs: there are problems anchored in old structures and practices that exacerbate the power of the State and large business groups, but at the same time there is promising progress shown by the participation of different civic stakeholders and the expanding coverage of citizens' issues that would have been unthinkable some decades ago, when dictatorships were the rule. [...]

Structurally, a series of interventions must aim to regulate State control and make it transparent, especially for the Executive Branch, in decisions about media ownership and financing. It is not unusual to have suspicions and denouncements of favoritism in the sale of frequencies, allocation of government advertising, legislation about participation by foreign capital, formation of multimedia and other vital questions for the structure of the media. Even when there are legislators interested in democratizing the media, these issues are rarely priorities. [...] Discretionary decision-making about media, a characteristic of exacerbated presidential governance and the weakness of public mechanisms to oversee governmental action, is a fundamental underlying problem that must be addressed [...]

Another type of interventions should work to remove legal obstacles, specifically the so-called "muzzle laws" (such as laws on slander and contempt of court), which make investigative journalism more difficult. [...] Laws about the press should facilitate serious, responsible critiques of public authorities. Legislation about access to public information and fulfillment of laws by allocating adequate funding and offering clear, rapid responses to solicitudes, is fundamental for journalists' work. [...]

Similar obstacles face any proposals to strengthen alternatives to the private, concentrated ownership model. Commercial interests have typically opposed legalization of alternative media and proposals for diversification. It is difficult to imagine, as long as control remains centered in political or commercial hands, that possibilities will open to expand the agenda of issues that journalism can address critically. Providing incentives to diversify small and medium media companies (unthinkable as long as public monies are allocated arbitrarily to media supporting the incumbent administration), providing a legal framework to favor community media, and supporting the democratization of public radio and television through mechanisms of regulation, management and financing – these are some ways to boost media pluralism.

Source: Silvio Waisbord. Document prepared for this project.

This debate is also intrinsically part of a larger, open debate among all stakeholders on the different aspects of the institutions and democratic governance of information, and here the following elements must be borne in mind:

- Media and press entities must make publicly commit to emphasizing transparency and pluralism particularly in information about media ownership and the lines of thinking that each media outlet defends or promotes.
- Self-regulation of the press and the media is important to improve the quality of information offered to citizens in terms of both transparency and content.
- To ensure a close relationship between the media and society and produce worthwhile public agendas, it's of vital importance to develop independent media oversight.
- To promote diversity of information and pluralism, it's important to promote norms and laws limiting the concentration of media ownership.
- There is a need to revalue politics in the eyes of stakeholders in society, including the press and the media.
- Improving political information may require developing public media.

STAKEHOLDER VIEWS AND POSITIONS 4.5

"Behind the discrediting of parties, there is a power conflict about who will intermediate public opinion: parties or the media. We have a marketing democracy, not a citizens' democracy. This means that citizens must be educated, so they can vote on the basis of proper information, aware of and reflecting a political position. This requires consumers of electoral products. Their instruments of intermediation are the media, not the political parties. The thing is to sell, not to understand; the support is advertising, not a political message. From this perspective, it is natural to favor broadcasts about scandals and disturbances, so loftier discourse can be ignored." Representative of a Mexican political party 1, 22/03/10; paraphrased.

"The media prefer scandals to substance. News about politicians squabbling in Congress, as if it were a wrestling match, sells. And this is the image of politics prevailing among the citizenry. Media and parties share the responsibility to show that democracy is serious business."
Mexican scholar 3, 22/03/10; paraphrased.

"The media are here to stay, and have lots of power. To help democracy we have to democratize the media, providing equal opportunities. This means free competition. Therefore, the State must regulate so there will be free competition in the media. Because we have many monopolies."
Senator from Uruguay 1, 9/12/09.

"The role of the State vis-á-vis the media must be to guarantee rights. The market does not guarantee diversity; quite the contrary."
Female Minister of the Executive Branch of Uruguay, 8/12/09.

"If the parties are not representative of society, who is? Civil-society organizations, or public opinion studies produced and broadcast by the media?"
Representative of a Mexican political party 1, 22/03/10; paraphrased.

"The media are in fact a counterweight, and in many countries have usurped the roles that political parties should be playing. The media are currently representing citizens more strongly, in a faster, timelier manner than parties are. I think the media are not limited to newspapers, radio and television, i.e., the conventional media. We must assume, as part of the political world, those social networks that have democratized information and have made citizens themselves into agents to produce and exchange information, and into agents who monitor their own authorities."
Vice president of a political party from Chile, 27/04/10.

"Media in politics have become elitist because of who can afford to broadcast, and even who is better dressed. Just go into any media outlet. If you are wearing a peasant's skirt, just see if you are granted the same importance as someone in a coat and tie."
Woman senator from Bolivia 3, 10/03/10.

"Cultural diversities are not eccentricity or extravagance. They are community practices, political practices of moving into balanced, equitable management of the environment. The abundance of such diversity in our territory is buried under the symbolic standardization to which the audiovisual media, especially television subject us. In Guatemala the four open-broadcast television channels belong to a single owner – a Mexican who also owns television channels all over Latin America, so even in control over programming we are subjected to anti-democratic practices in symbolic ways, in our political imagery."
Ex Vice President of Guatemala, 10/11/09.

More participation for better representation

Citizens participate in politics in more ways than just electing their representatives. There are other means of participation that also impact the role of political parties as representatives. But the central issue here is whether or not these other forms of participation strengthen or weaken the functions that parties and representative bodies should have in a democratic system.

Mechanisms of direct democracy are one of the forms of citizen participation. These mechanisms enable citizens to provide direct input on public policy without delegating decision-making power to representatives. The most common forms are the referendum, plebiscite, and people's initiative (see Box 4.12). This characteristic is at the core of the classical distinction between direct democracy and representative democracy and also at the core of the frequent comparisons of the two models, as if they could not be combined. However, this issue is more complex too.

BOX 4.12

Classification of the Mechanisms of Direct Democracy (MDD)

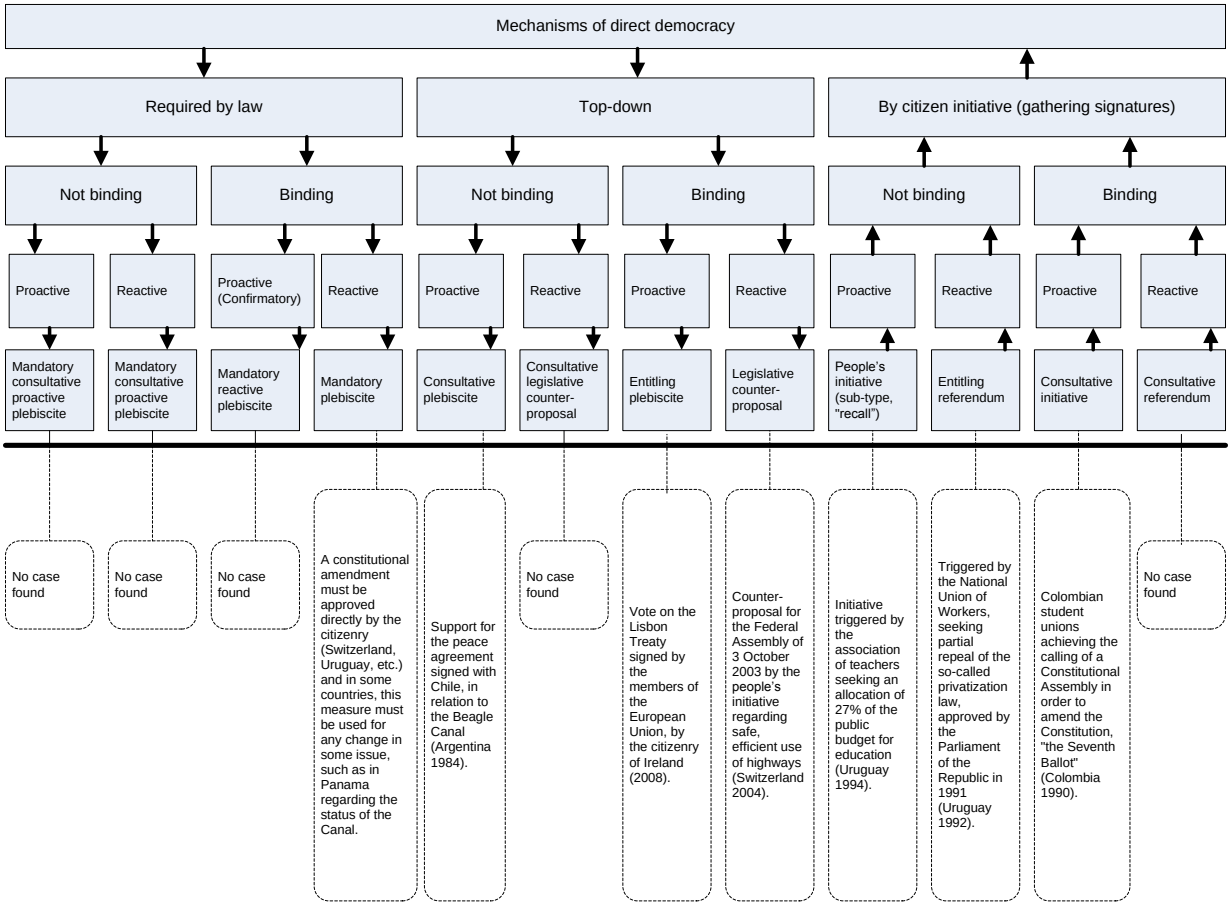
Mechanisms of Direct Democracy enable citizens to vote on certain issues aside from a regular process of electing authorities.

These Mechanisms of direct democracy (MDD) are classified in three main categories:

1. MDDs required by the country's legal framework
2. MDDs promoted top down (by the government)
3. MDDs resulting from popular initiatives

These three categories may be subdivided into two types:

a. MDDs that are binding or not
b. Proactive or reactive MDDs.



Source: D. Altman, *Direct Democracy Worldwide* [La democracia directa en el mundo], New York, Cambridge University Press (forthcoming).

Mechanisms of direct democracy, by taking legislative power away from representatives, can weaken the role of politicians and therefore the role of parties. However, such mechanisms can play a positive role too. Direct participation by citizens in public decision-making can outweigh the minority interests that are attempting to keep their interests out of public policy, and in that sense, mechanisms of direct democracy offer a formal or institutional means of controlling the State. They also help keep representatives from 'straying' away from their constituents, thereby helping to reinforce the link between representatives and those they represent. In fact, under certain circumstances, mechanisms of direct democracy promoted by citizens can strengthen representative democracy itself, serving **"as an institutional relief valve that intermittently counteracts the perverse actions or unresponsiveness of representative institutions and politicians", thus forcing greater "synchronization between party elites and citizens"**[62] (see Box 4.13).

BOX 4.13

Direct democracy and the crisis of representation

In the last 30 years of democratic history on this continent […] we Latin Americans have taken part in direct votes on over one hundred opportunities […]. Direct democracy can be a dangerous game [and] produce more problems than solutions; some problems as serious as destabilizing the government. In fact, many analysts say that mechanisms of direct democracy in Latin America may lead to "Caesar-ism" and weaken the republic's institutions. I understand that this is not the crucial question we must answer (since abuse of any State institution entails the same corrosive consequences for the republic's institutions) […]. Although direct democracy produces uncertainties, it is a powerful mechanism for public decision-making. When used appropriately (legally and with clear procedures), these mechanisms are extremely legitimate.

Source: David Altman, Democracia directa y crisis de representación en la América Latina de post-transición [Direct democracy and crises of representation in post-transition Latin America]. Document prepared for this project.

Other forms of participation that have become increasingly important in many Latin American countries are activities by civil society organizations (or simply by society)[63] or non-governmental organizations. These are organizations based on specific identities, such as gender or multiculturalism, or on social causes, such as preserving the environment or consumer defense.

Participation by civil society, just as with direct democracy, has been a subject for debate, though. Many see a necessary tension between political parties, who in order to win elections are forced to appeal to a wide variety of diverse citizens and build broad coalitions, and civil society groups, who emphasize an issue or problem without adopting an overview of the problems their society is confronting. We need to stress too the very different status of elected representatives, who have been given legitimacy by the election, and civil society leaders, who lack that legitimacy which is so central to democracy.

[62] Altman, D., (2009), p. 1-135.

[63] The term "civil society" is commonly used today but can be misinterpreted. It is currently used inappropriately to distinguish society not only from the State, but from labor unions, political parties, and other typically societal organizations. It is sometimes also used pejoratively: civil society and its organizations are differentiated and handle the tasks of parties that "no longer represent anyone". In any event, the term and habitual use of it carry heavy semantic connotations, often implicitly, and not without ideological value judgments. It is useful, therefore, to find out in each case what is being included under this term.

Parties and civil-society organizations do have much in common too. Civil society groups often express new ideas and bring them to the attention of the general public through their activities. They also play an important role in promoting government transparency and evaluating the results of governance, as well as co-producing public goods and services. And especially when party structures become hidebound or fall under the control of party bosses, civil society activities, like the mechanisms of direct democracy, can generate an incentive for parties and their leaders to not drift away from citizens, thus playing a vital role in the never-ending construction of bonds between representatives and their constituencies.

So participation and representation seem not to be mutually exclusive but complementary: more participation for better representation. Building the Latin American political agenda must remain, therefore, an especially favorable means of promoting active, inclusive, participatory citizenship.

Still, without parties there is no democracy and here the widespread mistrust of political parties points out another alarming problem. As we have seen, the core of this problem is the lack of substantive options in what parties offer to the electorate. Voting ceases to be a mechanism establishing an electoral contract and one is simply voting for a 'black box'. This then starts a split at the time of voting between citizens and representatives, seriously weakening representation.

The seriousness of the issue is in the fact that any democratically elected official's power comes from the legitimacy granted by society, and much of that legitimacy is obtained by a high degree of representation. Therefore, **a weak bond of representation between voters and their representatives weakens democratic power. This makes it harder for elected officials to keep campaign promises, which reinforces lack of confidence in politics.** We must give priority in our debate to how this spiral breaks down, a result that we have in fact verified in numerous countries of the region.

STAKEHOLDER VIEWS AND POSITIONS 4.6

"[C]hannels and formal structures are designed to block citizens' participation at the local level. […] Although many people participate, in many communities there has been a divorce between the authority and the forma structure for citizen participation and there are no demands to enforce existing norms […] Blocking channels for participation leads many people to be more involved in NGOs than in political parties."
Businessperson and representative of a foundation from Guatemala, 10/11/09.

"In view of the crisis of representation, evident in Latin America, we must take into account the mechanisms of direct democracy and instruments of participatory democracy, which may complement representation. They have been successfully used in societies that are very democratically robust: Costa Rica, Canada, Norway, etc. The instrument of direct participation cannot be considered as negative or positive per se."
Scholar from El Salvador, 18/03/10; paraphrased.

"Locally activated civil society is more important than national civil society. […] There are experiences with local power where participation is assured, including women and indigenous people as well. Local power may offer a way to democratize power." (Scholar from Guatemala 1, 10/11/09.)
"In a differentiated citizenry – because we are diverse peoples living in this country – the norms governing the political system are purely western. They do not recognize the type of practices or customs that indigenous peoples give their authorities or exercise power."
Representative of the Human Rights Defense Office of Guatemala, 10/11/09.

"Sometimes they tell us [CSOs] that we have no right even to an opinion because we do not have votes. […] We cannot demand the same type of legitimacy for CSOs […] Political participation must not be only through parties […] Whereas the calling of parties is to govern, the calling off civil society is to demand for them to govern properly. This means the right to demand for the mandate granted by votes to be used in the right directions."
Scholar from the Dominican Republic, 17/11/09.

"Participation without representation is useless. It is important to recall that most of the population used to neither participate nor have any representation. They are not only complementary, but ultimately this is participation by and representation of sectors that used to have neither."
Female Vice Minister of the Executive Branch of Bolivia, 9/03/10; paraphrased.

"This discussion over representative and participatory democracy […] is not 'or' but 'and'. […] When we speak of participation, the most interesting part is to see it as the overseer of power."
Representative of a CSO from Paraguay 3, 27-10-09.

"The dichotomy between representation and participation has been overcome essentially in quite a creative way. […] In several countries there are very interesting experiences in social dialogue that enrich representative democracy with ever-broader processes of social participation. This is not to deny representative democracy, which is indispensable not only from a doctrinal standpoint but also for practical reasons. […] The idea is not that we have to directly consult the people because Parliament is illegitimate, because that isn't the case; the idea is to bring regular citizens closer to the Government."
Minister of the Executive Branch of Brazil, 27/04/10.

"Ideally, there must be a very smooth relationship between representation and participation. It is not true that, because it is based on universal suffrage, the former has more legitimacy than the latter. The two are based on different ways of thinking. Many problems in the relationship between the two do not come so much from the idea that participation should replace representation but that representation looks down on participation or tries to involve it in political party ways of thinking. […] There are perverse processes of elitization, bureaucratization and manipulation of participation."
Leader of a Colombian NGO 1, 16/02/10; paraphrased.

"The emphasis on representative democracy is correct. We must continue working to strengthen political parties. Rather than insist on participatory democracy, we must continue including those who have been excluded from representation."
Representative of UNIFEM in Colombia 2, 17/02/10; paraphrased.

Truncated republics: deficits in organizing republics

One of the core problems in organizing republics in Latin America is the way the Executive Branch dominates the Legislative and Judicial branches. Practically half the current 18 Latin American presidents have, through mechanisms of delegation, assumed functions that are typically conducted by a parliament. In some countries this formula has been called "special powers", concentrating many of the State's essential capacities in the Executive. Then, with these transfers of authority, checks and balances among branches are reduced to mere formalities.

This weakening in form by presidential domination makes for a sort of "Caesar-ist" regime, which wears down the democratic process and reduces incentive to form strong, program-based parties. Could this issue be settled by semi-presidential or semi-parliamentarian forms of government? It is often said that our parliaments are not ready to take that leap forward. Might the opposite not be true, that semi-parliamentary or semi-presidential regimes can ultimately improve the quality of a congress?

One area that demonstrates how the Executive has weakened parliaments is in budget control. The most paradigmatic, frequent example is the disregard for the rule that the Executive requires legal authorization granted beforehand by a legislature to increase spending or to make budget reallocations that change economic classifications or functions. Instead, such changes are often made by an executive decree that, in some countries, is subject to review by a parliament for subsequent validation. However, that power is often neglected as well.

Corruption too stands out as a direct threat to a republic's institutions. The term "republic" means "a public affair" and so it is naturally a threat when individuals use corruption to steer public resources for their private gain. Corruption distorts actions by members of the three branches, weakening the functioning of the body in which they act and thereby directly weakening horizontal control measures by the government. The indices habitually used to gauge corruption are based on perceptions, however, and actually tell us little about the phenomenon, its evolution, or ways to fight it. And in the fight against corruption, transparency and accountability are key elements.

Here the discussion turns to the need to go from passive transparency to active transparency on order to strengthen citizen oversight of the government. For vertical accountability to work, it's crucial to provide access to information and transparency in public actions and policies, during both formulation and implementation. Transparency depends on others' taking advantage of opportunities for analysis and then acting on the basis of what they have seen, yet this often fails too. However, vertical control measures are still important instruments to decrease problems of representation and insofar as citizens perceive that they can demand accountability of their representatives, this rebuilds the bridge of representation.

Organizing republics democratically

We understand *republic* as the organization of the State based on division, on independence and mutual checks and balances among branches, and on rule of law (see Boxes 4.14 and 4.15), independent of the nature or denomination of the nation-state. So in Montesquieu's understanding, a constitutional monarchy was in fact organized as a republic, as in present-day

monarchies in Western Europe or Japan. "Just as democracy organizes power in society, the republic organizes power within the State and its relationship with citizens."[64]

Perhaps the best way to approach this in the Latin America context is to promote debate on adapting the roles of State branches in this post-transition period to increase effectiveness. What kind of oversight, accountability, and access to public information do Latin American democracies require in this new context, then? How important is the act of delegation of legislative powers to design and control public budgets to citizens' actual lives? How important is the debate on parliamentarianism and presidentialism in the current setting for the quality and legitimacy of public policies? And how can these principles be applied to states, provinces, and departments in different countries? How can they be applied to local authorities and to the division of powers between the Nation and these other democratic bodies?

Yet a republic's form implies more than just a system of checks and balances among branches (i.e., horizontal control) too. A republic should also contain vertical mechanisms for accountability in which citizens and interest groups mobilize institutional measures to monitor government. In this framework, corruption becomes a particularly sensitive issue for the impact it has on the State's efficiency and its public policy choices.

Thus, to make vertical accountability effective, it's vital to have access to information and increased transparency in government actions and policies during both formulation and implementation.

[64]Caputo D., *La democracia de bienestar* [The democracy of well-being], document prepared for the report. .

BOX 4.14

From legal poverty to participation in the legal system: Establishing the Rule of Law in Latin America

In summary, Latin American democracies suffer from a large number of deficiencies regarding the rule of law, which are usually inter-related. Cataloguing them separately clouds the deeper observation that, for many inhabitants of many countries, the actual problem is legal poverty and the consequent loss of participation in the legal system. Even the problem of crime often entails a confrontation between a person who has been denied participation in many ways and a victim who is also denied participation in the legal system. (…) Resolving such deficiencies will require holistic, integrated approaches, designed expressly to address the disparities in recourses for rights-holders and those obliged to enforce their rights. The ultimate goal is to enable citizens to participate fully in the legal system: so denial of rights will be relatively infrequent, and any violations will have their reparations quickly and it will be possible to use legal means effectively to attain all legitimate vital objectives.

Deficiencies may be solved by institutions, although it is not necessary for all solutions to be of State origin. Solutions originating in the State include working on the investigative and administrative capacity of the legal stakeholders, bolstering police forces and promoting community police initiatives, improving transparency of government and the capacity for supervision by the entire population and creating a series of legal channels so that societal groups can bring claims through judicial or quasi-judicial means (e.g., through the ombudsman function). Among initiatives of non-State origin, we can include: reinforcing the different groups of civil society, empowering local communities to address their own informal dispute resolution processes, creating economic and cultural opportunities for youth at risk, and expanding access to legal education. All institutional reforms must be designed in response to specific realities, to take advantage of strengths and address weaknesses in the institutional and social context.

Nevertheless, the problem with successful design and implementation of reforms of the rule of law often has more to do with politics than with technical aspects or resources (Davis and Trebilcock 2001; Trebilcock and Daniels 2008). For this reason, one of the first measures in any reform project must be to identify possible partners and assess how to generate the necessary political support, so the reform of the rule of law will be successful and sustainable. The most successful legal reform initiatives are built on the personal interests of those in power (Finkel 2004, 2005; Ginsburg 2003), with ample participation and debate by the public (Foundation for Due Legal Process 2002). The region insistently demands an effective response to crime and corruption, often at the expense of due process. The demand to expand the rule of law to the least favored may be less. An integrated initiative covering the needs of different districts will receive more support than another that is carefully designed to satisfy the demands of one particular group.

Moving from legal poverty to participation in the legal system is no simple task. Over one billion dollars have been invested in this initiative, with limited but perceivable success. The region has scattered remains of programs that were launched and then abandoned, implemented and then canceled by powerful interests, and blocked because of their partial, extremely restricted approach to the problem. For the program to succeed, it must persuade those who hold power that strengthening the rule of law will benefit them, too, addressing the specific circumstances of those whom the program proposes to benefit, acting inclusively and involving a long-term, sustained, systematic effort.

Source: Daniel Brinks, Document prepared for the project.

BOX 4.15

The Rule of Law

Democracy also entails the rule of law. This assumes independent branches and a legal system that is democratic in three ways: protecting political freedoms and the guarantees of political democracy, protecting the civil rights of the entire population and establishing networks of responsibility and accountability by which public servants, including the highest positions in the government, are subject to appropriate controls over the legality of their actions. It also involves submitting government action and that of its branches to the norms issued by democratically elected authorities.

Source: UNDP, Democracy in Latin America, New York: UNDP, 2004, p. 56.

The balance of power

Free, fair elections are essential to democracy, but they're not everything, because they can't assure that power will be exercised in response to the majority's wishes. There must also be a balance of power between the Executive and a legislature, effective mechanisms to investigate both a means for preventing attempts to reduce a parliament's power and a way to hold elected officials accountable to the wishes of the citizens rather than to the wishes of un-elected stakeholders in the government or private interests. Rather, free, fair elections and a republic's institutions are the minimum for any democratic organization.

In this dance of power, democracy and the "institutions" of a republic are a mutually necessary pair, then. While the former guarantees the origin and purpose of governmental power, the latter organizes that power. However, in the transition to democracy in Latin America, "republic-building" has been put off somewhat, and this very thing needs to be put back on the agenda: strengthening institutions and promoting debate about political reforms that can achieve this.

As pointed out at the beginning, democracy attempts to correct asymmetries of power. **The State also needs a type of organization that can correct any imbalances in power that crop up within it.** This issue, of controlling the use of power, lies at the center of organizing modern States (see Box 4.16). In that sense, a republic is a way of organizing the State just as democracy is a way of organizing society.

Without control mechanisms internally, the State would probably create more asymmetries of power rather than correct them and this issue is particularly important in an environment where States are being reconstructed.

BOX 4.16

Limiting and distributing power

As Bobbio has put it, there is "history of difficult, controversial relations between the two fundamental demands from which contemporary States were born, in the socially and economically most developed countries, the demand on the one hand to limit power and, on the other hand, to distribute it".

Source: Norberto Bobbio, Liberalismo y democracia [Liberalism and Democracy], Mexico City, Fondo de Cultura Económica, 2008, pp. 7-8.

Without the institutions of a republic, a democracy also runs the risk of becoming a State with no control measures, with distortions in the workings of society and subjecting individuals to abuse or denying them guaranteed freedoms all in the name of equal opportunity and equal distribution of power. If, as we have said, democracy is a way of organizing power in society, which requires a State with power, the risk here is that the State will evade checks and balances and, rather than distribute power, monopolize it. Hence, the risk for democracy is no longer that someone will take over the State but that the State will 'invade' society.

Or, on the contrary, organization as a republic without democracy might lead to concentration of power in a dominant class, excluding most of society from any decision-making. The formalities of the republic remain but without any democratic organization to guarantee that the republic will act to expand citizenship.[65] One example is the '*de facto* powers' scenario. When the State is co-opted by these powers, when legitimacy of origin is undermined by the government's actions, the republic is merely disguising a new form of domination in the name of democratic legitimacy. Without any need for classic military coups, minorities then take over the State whose government was elected by majority vote. In the name of the necessary limits on executive power, the distributive power of the State is limited, assuring that government will be concentrated into the hands of a small group.

Hence the need for checks and balances. Yet as we have seen, the problem is more complex the more forces you factor in.

Balance among the State's formal branches

The crucial relationship between the Executive and parliaments in Latin America shows some positive aspects, especially from a historical perspective. In fact, several observers remark that congresses in Latin America are more relevant now than in previous periods (see Box 4.17).

BOX 4.17
Legislative branches in historical perspective

Legislative branches in the Latin American countries have shown astonishing strength over the last thirty years, comparing their evolution with previous periods, marked by instability and irrelevance. This is because their role in political life has gained significant ground. In fact, this branch has often come out of the different political crises, which have affected the different countries to a greater or lesser degree, looking very good. Except for Peru, during the brief period between 1992 and 1993, in all the other countries they have not stopped spreading their actions throughout the periods for which they were elected, without interruptions or early un-constitutional dissolutions, unlike the frequent crises affecting the Executive Branch on different occasions, leading the region's political instability.

Source: Manuel Alcántara, El rol y las capacidades de los partidos políticos en el escenario de post-transición [The role and capacities of political parties in the post-transition scenario]. Document prepared for this project.

However, the powers of some Executive Branches over legislative branches in Latin America are considerable. Most Latin American constitutions are inspired by the United States

[65]There are numerous historical examples, such as the Republic of Venice, of Genoa, and of Rome, among others.

Constitution and this has yielded the 'presidentialistic' form of government. Yet when we compare most 'presidentialistic' Latin American regimes with the US system, we find many powers and authorities are weaker, such as oversight by a congress.

In the United States, nominations for the main positions in the Executive Branch must be validated by the Senate. Control over the budget, finance (taxes, debt or currency issue) and spending are a substantive part of the Congress' functions. So-called 'covert operations' must even be agreed to by the Senate Intelligence Sub-Committee (called "findings"). By contrast, in Latin America we find that these practices are not common and, in particular, that debate about and oversight of national budget implementation are almost non-existent in several countries (see Box 4.18). Checks and balances among branches, if any, are limited to formalities.

BOX 4.18

Strengthening the Legislative Bodies in Presidential Democracies in Latin America

[...] the objective of maintaining and deepening democracy requires mechanisms heightening the meaning of "belonging" for citizens regarding the democracy they live in. Meaningful democratic citizenship, in turn, can be forged only if the legislative body assumes, collectively, the responsibility it must have in the process of creating national policies. The importance of having a legislative body that works well, to foster sustainable democratic citizenship is undeniable.[...] Only the legislative body, in its capacity as a collective, deliberative institution, can represent the diversity of society and translate society's preferences into national policies. In a presidential system, it is important for the legislative body to operate as a "cooperative control" over the Executive, without being submissive to the latter's intentions but also without causing obstructions. To strike this balance, it is necessary to empower the legislature, so it can represent the different preferences of the citizens as to how their society should be governed and so it can responsibly cooperate with initiatives by the Executive regarding policies, amending or opposing them. Therefore, one point on the agenda for Latin America must be to strengthen legislative bodies. In turn, this entails recognizing the central role that political parties play in structuring options for the electorate and actions by legislators, when bridging the gap between institutions that have been elected separately.

Source: Matthew Shugart. Document prepared for this project.

Another common example of imbalances in power in Latin American republics is the use of special legislative powers by presidents. Practically half the 18 Latin American presidents have assumed typically parliamentarian functions through mechanisms of delegation. From 1990 to 2007, two of Latin America's presidents were using special legislative powers every day[66] (see Chart 3.5 in Chapter 3).

The powers delegated to several presidents include the power to create or change taxes, a function that has always belonged to parliaments. In fact, in 1215 in England, the *Magna Carta* limited the monarch's whims, making it impossible to rule on taxes without the consent of the Kingdom Council, which was the predecessor of the British Parliament. Organizing public

[66]Average based on data from Chart 3.5, Chapter 3.

finance and budgeting are at the heart of politics and power relationships, then. The question of who pays and who receives is central to organizing a democracy of citizenship and, in principle, should be a power that the congresses cannot delegate to anyone else.

BOX 4.19

Who controls the budget?

The most paradigmatic and frequent example of this flaw in the actions of parliaments in the countries of the region is the virtual inapplicability of the formal rule establishing that the Executive Branch requires legal authorization granted previously by the Legislative Branch to increase spending, reallocate items entailing a change in the economic classification, or modifying functions. In practice, these modifications are made through an Executive Decree which, in some countries, is subject to review by Parliament to validate it later. However, again, this power is often not used, either.

Source: Jesús Rodríguez, El rol del poder legislativo durante el período de post-transición [The role of the legislative branch during the post-transition period]. Document prepared for this project.

When presidents overshadow congress, this also weakens the capacity of that congress to produce initiatives and therefore limits the role of these elected representatives of the people. And this distortion of the republic's form, by amplifying 'presidentialism', turns government into, again, a 'Caesar-ist' regime, which erodes the democratic process and weakens the incentive to form strong, program-based parties. Thus, the concentration of powers, the absence of checks and balances, and near total absence of accountability to citizens make for an alarming panorama, or, in other words, the republic is 'truncated'.

As mentioned earlier, this has raised questions on whether or not it would be better to move toward semi-presidential forms, something similar to the French and Portuguese constitutions, or to move directly toward parliamentary forms. Parliamentarian or semi-presidential governments have mechanisms that work as "pressure relief valves" to resolve serious political crises. They also tend to offer greater oversight of government (see Box 4.20).

BOX 4.20

Presidential systems and decrees

Sartori notes, when comparing parliamentary and presidential regimes, that although parliamentary governments may also use decrees, there is a major difference in the way decrees are used in these two types of systems. In the context of parliamentary systems, "it is demanded for "Government by Decree" to be exceptional, justified by urgency, and also subject to rigorous conditions. By contrast, issuing decrees for everything, "Government by Decree" disregarding the leadership of Congress, is endemic and often epidemic in Latin America.

Source: Giovanni Sartori, Ingeniería constitucional comparada. Una investigación de estructuras, incentivos y resultados [Compared constitutional engineering: research into structures, incentives and results], Fondo de Cultura Económica, Mexico, 1994, p. 179.

One common argument when this topic comes up is the difficulty of granting a more active role to the parliament when there are often major shortcomings in their own operations. Then we might be looking to one of the weakest links in the system to provide the solution. Still, despite abuse of this power, it does force main government authorities to appear before a congress to

prove that they have detailed knowledge of the policies they are implementing, to defend them, and to quickly propose alternatives for new situations that come up in debate. This could improve selection and aptitudes of those representing the government, in both the Executive and the legislature, and it could lead to a considerable leap forward in the overall institutional quality of a republic.

STAKEHOLDER VIEWS AND POSITIONS 4.7

"In the Legislature we make decisions about the budget without knowing about its results, effects, or performance, etc. Although our function is to approve the budget, we don't have the tools to decide."
Female Mexican legislator, 22/03/10; paraphrased.

"The Uruguayan Parliament is doubtlessly weaker than the Executive. It has the possibility of impeachment, but there are no other elements of oversight as other systems have, especially in the developed world. In budgeting, no spending can be increased, or taxes eliminated, unless the Executive Branch takes the initiative. We have no degree of oversight over budget implementation."
Senator from Uruguay 1, 9/12/09.

"Article 12 of our national Constitution clearly and expressly states that Bolivia is based on four branches of the State: Legislative, Executive, Judicial and Electoral. And the independence of and coordination among these branches is the basis for the government and the State. However, in our country there is still only one branch: the Executive. […] The President of the Republic has been granted powers that are never mentioned in the national Constitution […] Let me ask if democracy means trampling on minorities […]; if accumulating public and political power in a single body is an indication of democracy."
Female Legislator from Bolivia, 10/03/10.

"Part of the representation crisis has to do with weak congresses in very strongly presidential systems […]. However, congresses are still conceived of as 19th-century institutions that are not adapted to the 21st century. Congresses have lagged far behind the changes happening in society, and many laws are finally enacted when they are no longer of any use, when they have become obsolete or have been replaced by society itself. Congresses have little connection with visions of the future [and] are not serving as a source or promoting or producing structural or substantive reforms. […] Congresses must resume this role, which grant them legitimacy and the capacity to generate leadership."
Politician and ex legislator from Chile, 27/04/10.

Mechanisms for control and accountability

A republic has both specialized agencies for oversight, such as public ministries, attorneys general, and comptrollerships, and it has vertical mechanisms, which can be activated by citizen action, such as when citizens bring complaints to public ministries or 'ombudsmen'. Vertical accountability operates directly when citizens, their organizations, and interest groups mobilize to monitor the actions of government agencies (see Box 4.21).

BOX 4.21

Three types of accountability

Guillermo O'Donnell has distinguished among several types of accountability: "One of them is vertical, which in a democratic regime is exercised by the citizenry by means of elections determining who will temporarily occupy government positions". As for the second, he explains: "Horizontal accountability, which I have defined as the existence of government agencies with the legal authority, mission and training to undertake actions ranging from routine oversight to legal penalties or impeachment, in regard to the actions or omissions by other staff or institutions of the State that may, in principle or presumably, be judged illegal". The third type "is societal, set in motion whenever any societal sectors demand canceling or punishing government decisions they consider illegal or severely harmful for their interests".

Source: Guillermo O'Donnell, "Hacia un Estado de y para la Democracia" [Toward a State of and for Democracy], in UNDP, Democracia / Estado / Ciudadanía. Hacia un Estado de y para la Democracia en América Latina [Democracy / State / Citizenship: Toward a State of and for Democracy in Latin America], New York, 2008, p. 38.

One particularly serious issue, both because of its impact on public opinion and because of its effects on State operation, is corruption. Although measuring levels of corruption remains vague (especially when based on the perceptions of many different individuals, see Box 4.22), there is agreement that, beyond the way it is measured, corruption is endemic in Latin America, although less so than in Africa, Southeast Asia, and southeastern Europe.[67]

BOX 4.22

Indicators of corruption

In many ways, [the indicators of corruption and transparency based on individuals' perceptions] can tell us less than what the numbers, apparently "hard data", with their decimal-pointed figures, may suggest.

Source: Carmen Apaza and Michael Johnston, Replanteo respecto de la transparencia: Participación de la sociedad civil, cambio de percepciones [A different look at transparency: Civil society participation, changing perceptions]. Document prepared for this project.

Corruption is the consequence of an ineffective system of control. This ineffective control system then reflects other deficits in a republic. When a decision by the Executive is overseen by a parliament, or when spending by the Executive Branch must first be authorized and is then overseen by the parliament, this prevents improper or illegal public spending, which is so closely involved with questions of corruption. Yet beyond corruption there are even more ways for powerful groups to 'capture' the State that, without adequate control and accountability mechanisms, would also destroy the essence of a republic's systems (see Box 4.23).

[67] Brinks, D. M., *From legal poverty to legal agency: Establishing the rule of law in Latin America* (document prepared for the democracy project, 2009).

BOX 4.23

Beyond corruption

The State has always had to defend itself from corruption – the oldest form of violence against rights in a republic - however, in modern times there are other, more sophisticated ways to capture public monies, many of them legal: abusive taxes and subsidies, remunerations out of proportion to the services provided to the State, bailing out banks and other companies to keep them from going bankrupt without any loss of property to shareholders, etc.

For the State to be both capable and republic-style, it must have internal instruments to defend itself from attempts by powerful individuals and organizations to capture it.

Source: Luiz Carlos Bresser-Pereira, El Estado necesario para la democracia posible en América Latina [The State that is necessary for the democracy that is possible in Latin America]. Document prepared for this project.

Therefore, there should be more debate not simply on the evils of corruption itself but about new ways to stop it. There have been attempts to control corruption, agencies created and policies formed to combat just this, but they have generally been ineffective.

Still, "republic" implies a system of controls among the State's major branches and also specialized supervisory agencies and various mechanisms of vertical accountability by society. One of these is citizen accountability, and for citizen accountability to be effective there must be access to information and transparency in public actions and in policy formulation. This enables civil society groups to perform social audits of various issues, from officials' net equity to the provision of public services and performance of schools, for example (see Box 4.24). And as we have seen in the section on participation, participatory budgets are another mechanism that provides citizen oversight of government actions.

BOX 4.24

Some experiences with social audits

In Chile, for over ten years, as in the Brazilian state of Paraná, schools have been evaluated by studying both the concrete data on performance and evaluations by citizens. The Program to Promote Educational Reform in Latin America and the Caribbean (PREALC) conducts evaluations using grading cards in various countries. The project on Letters of Commitment to Argentina uses citizens' grading cards for various services as part of an overall strategy to generate responsibility.

Source: Carmen Apaza and Michael Johnston, Replanteo respecto de la transparencia: Participación de la sociedad civil, cambio de percepciones [A different look at transparency: Civil society participation, changing perceptions]. Document prepared for this project.

Crucial to all of these ideas is an active strategy where governments take the initiative to generate and publicize information about their performance, inviting citizens to participate in the evaluation and then in preparing action plans. What distinguishes policies of active transparency is that they create an incentive for government staff to act against corruption by recognizing and rewarding their positive actions (see Box 4.25).

As we said at the beginning of this section, free, fair elections are integral to democracy. But for a society to be an electoral democracy is no guarantee that the government will reflect the preferences of a majority of its citizens. With no republic-style system that includes checks and balances on public power, that power, and the new functions that the State must have at this stage, may actually be *against* the freedoms and rights of individuals. A State that has power but that is weak as a republic may thus pose serious limitations on development and expansion of citizenship.

BOX 4.25

Indicators and points of reference for active transparency

From the beginning, get both the managers of agencies and their public employees involved in the process of designing the indicators and the points of reference.

Begin with procurement: these functions are a main point for corruption in many societies and offer major opportunities to send important messages about active transparency. It can also generate relatively quick, efficiencies and budgetary benefits that can be measured.

First, emphasize a few basic services and goods, the nature and prices of which are well known and understood.

Avoid stressing performance with 'rating tables' to compare several agencies. Rather, emphasize that the most important comparisons are those done in a single agency over time.

Aggressively and publicly reward good and improved performance; generate trust between agency managers and employees.

Provide credible guarantees for agency managers, employee unions, contract bidders and participating citizens, that bona fide activities will be protected.

Guarantee opportunities, not including confrontation, for agency managers to be held accountable for the 'atypical' findings in the indicators.

Oversee the process carefully and build ample points of reference, to keep from 'playing' with the indicators.

Stress positive values: integrity, responsibility, responsiveness: resist the temptation to turn the data into another index of corruption. Over time, add other types of evidence: surveys of public employees, operators of small enterprises, groups of citizens.

Encourage public servants and agency managers to propose new indicators and points of reference.

Publish the findings aggressively, including positive, constructive points whenever possible. Continue making the effort: maintain and expand the data collection, generating more long-term comparisons and broader points of reference.

Source: Carmen Apaza and Michael Johnston, Replanteo respecto de la transparencia: Participación de la sociedad civil, cambio de percepciones [A different look at transparency: Civil society participation, changing perceptions]. Document prepared for this project.

STAKEHOLDER VIEWS AND POSITIONS 4.8

"This must be a country of angels, because there has not been one single case against a politician or businessperson during the last eleven years. The whole structure tends to protect these elements."
Mexican consultant, 22/03/10; paraphrased.

"There is no mechanism to control corruption – at all levels, from appointment of persons who have been rejected in public hearings, to the almost instant enrichment of many people occupying important positions."
Representative of a Human Rights CSO in Guatemala, 10/11/09.

"Corruption and lack of transparency and accountability have consequences: when surveys are conducted, they find that society doesn't believe in anything. This shows people's perception of the branches of the State."
Representative of a labor union confederation from Costa Rica, 17/11/09.

"The way that decision-makers are overseen must be strengthened. Beyond elections, a democratic system must have mechanisms institutionalized to reward or punish those who make decisions on its behalf."
Scholar from El Salvador, 18/03/10; paraphrased.

"With [a good Law on access to information] there is no longer impunity. Many public officials, when they are asked for information, have to provide it, and have had to provide it. If they don't provide it voluntarily, they can be forced to provide it."
Representative of a CSO in the Dominican Republic, 17/11/09.

"The quality of public information (sufficient, timely, accessible and truthful) is fundamental. Transparency is fundamental to construct democracy, rule of law and market, and also to overthrow organized crime and drug traffic. If we fight corruption and struggle for transparency, organized crime cannot survive."
(Minister of the Executive Branch of El Salvador, 18/03/10; paraphrased.)
"[We need] a strategy to manage information much more broadly, beyond academic circles, beyond academic and central institutions. […] [We must] connect these mechanisms for gathering data with citizen deliberation."
Senator from Bolivia, 10/03/10.

"[Speaking of access to information about the judicial process] But what happened? – we systematized, we computerized, but most of Bolivia's population wasn't computer-literate yet. […] And how could we popularize this? With written texts, when most of our population at the time, prior to 2005, did not read or write well."
Female legislator from Bolivia 3, 10/03/10.

"It is not enough for the information to be public – it must also be accessible. There is a perverse cycle with funding, corruption, effects on governance and limitations in terms of access to information for citizens, for minority parties, for the opposition, for CSOs, to be able to influence decisions."
Representative of an NGO working for transparency in Colombia, 17/02/10; paraphrased.

There is great de-legitimization of the institutions of democracy due to corruption and impunity."
Representative of a think-tank from Panama, 16/11/09.

A new State for a new democracy

One prerequisite for a democracy of citizenship is to reconstruct government structures to allow the State to exercise its authority. **A State without authority cannot transform rights into realities.**

So are the problems in Latin America due then to the excessive State presence or weak State presence? The current challenge to transforming the State does not necessarily involve that choice, between "more State and less State". Rather, the aim is to develop a public sector with the capacity for strategic planning and to design and implement effective policies on education, health, security, and support for sustainable economic growth and employment. The basis of this renewal of government then becomes professional development for civil servants, modernization of bureaucracies, and strengthening of the State's political power to be able to achieve the aims chosen by the majority in society.

One central challenge to our democracies is to balance income distribution in the region with the world's highest degree of income disparity. Concentration of wealth results in concentration of power and that power often competes with the public power responsible for implementing the people's will, as expressed in elections. But a redistribution of power and increases in government autonomy from *de facto* powers would better serve the needs of the majority.

There is an oft-repeated argument that government cannot serve the citizenry largely because the State is perceived to be weak and because it lacks capacity. There is also the perception that the State is not responsive to the majority partly because the will of the majority is not organized around substantive choices and partly because a State undermined by *de facto* powers essentially ignores the will of the majority. **Dependence on *de facto* powers then generates a split between government and the rest of society**, moving government even further from the citizenry. However, if there is better representation, government has autonomy and therefore more control.

This insufficient capacity of government to make public policy and the lack of political power to enforce redistributive policies are some of the greatest obstacles to expanding social citizenship and reducing gaps in well-being. A typical case involves taxes, which we discuss here not so much from an economic standpoint but from a political perspective.

Power, the State, and democracy in Latin America

There can be no democratic system without a State and true democracy is grounded in a government that honors rights, enforcing them with its institutions and intervening to making sure they are provided. If the central aim of democracy is to improve citizens' well-being and to assure ever higher levels of freedom and equality, the State is a key part of collective action to achieve this.

Debate on government building must be holistic, then, moving from the more conceptual visions toward more operational, concrete activities upholding government. To perform its essential functions, the State must have powers that no other organization or individual in that society can have, and if this is not the case it will have little or no capacity to keep private power at bay. A

state under the control of private power has no instruments to organize power within society and cannot fulfill its main purpose.

However, history has shown that, although this kind of social organization of power should make the majority's will a reality, it can also favor privileged minorities. This happens when the State has no 'sovereignty' within the country and the power delegated to government is essentially ineffective.

This situation poses a series of questions for debate on the political agenda:

- What happens in a democracy when the State lacks power?
- To what degree does the State have the power required to implement its electoral mandate and expand citizenship?
- What are the immediate consequences of the "inability of the State to democratize", for example, in terms of the crisis of representation?
- What effect does delegation of sovereignty to a weak State have on sustainability of democracy?
- Who really holds the power in society?
- How can the State recover the power it needs in order to democratize?

Debate on power and the State is intimately connected with the State's actual capacity to act. The State requires concrete mechanisms, resources, and institutional capacity to design and implement public policy for human development, redistribution of wealth, poverty eradication, and public security. However, this is not possible without a broad base of political and social support.

With the current wave of government downsizing it would be difficult to claim that there is 'too much State' to stay focused on electoral commitments. But by the same token, **not enough State explains why we have the world's highest homicide rate, why drug cartels rule whole territories and influence public decision-making, why there are large areas that are not ruled by law; it explains why many democracies are poor, because the State is poor, limited, and dependent on another power or because, when the State was larger, it was not serving the citizenry but the *de facto* powers. Many of our governments are simply unable to perform their functions and also fail in their capacity to represent the majorities, while dodging the checks and balances provided for under the republic.**

These issues undermine the legitimacy and effectiveness democracy. They weaken the notion that democracy is the best system of political organization and the one that can assure progressive expansion of citizenship. **If the State lacks power (to perform the functions delegated by society), both the legitimacy of origin (people's sovereignty) and legitimacy of purpose (expansion of citizenship) are seriously affected.**

STAKEHOLDER VIEWS AND POSITIONS 4.9

"We need to build strong States; not big States but States that can solve our day-to-day problems. However, instead of becoming stronger, the branches of the State are weakened by delegation."
Representative of a social development agency of the government of El Salvador, 18/03/10; paraphrased.

"It's not enough to say that we must build a State with power, but this power must be oriented democratically […] By democratic State I mean a State with power that should have at least five characteristics: legitimacy of origin, effectiveness, financial capacity, independence from de facto and corporate powers, and legality. […] A weak State cannot be fully democratic because it lacks sufficient power to perform its democratic functions, and then there is a gap between prescribed behaviors, norms and actual behaviors."
Scholar from Guatemala 1, 10/11/09; summarized.

"A weak State means a citizenry whose will has little chance of being transformed into action."
Scholar from Uruguay, 9/12/09.

"We are looking for an agile, athletic, muscular State; not a slow, pudgy, wheeler-dealer, clientelistic, corrupt State. In medical terms, this State needs a liposuction, to get rid of the excess fat, making it seductive, elegant, attractive, so with less current spending and greater social investment it can materialize our electoral commitments in actions and not just words, to work for the poorest and most marginalized people."
Vice President of Paraguay, 26-10-09.

The study team on the 2004 UNDP report interviewed over 240 political and social leaders from the region, including 40 current and former presidents, vice presidents (see Chart 4.2, and Figure 4.4). When asked who actually held power in their countries, interviewees agreed more than on any other question, answering that "power is not held by elected officials". That power is not held centrally by the State is no secret, and in total almost 80% of stakeholders who ought to represent the power delegated by the people agreed.

CHART 4.2

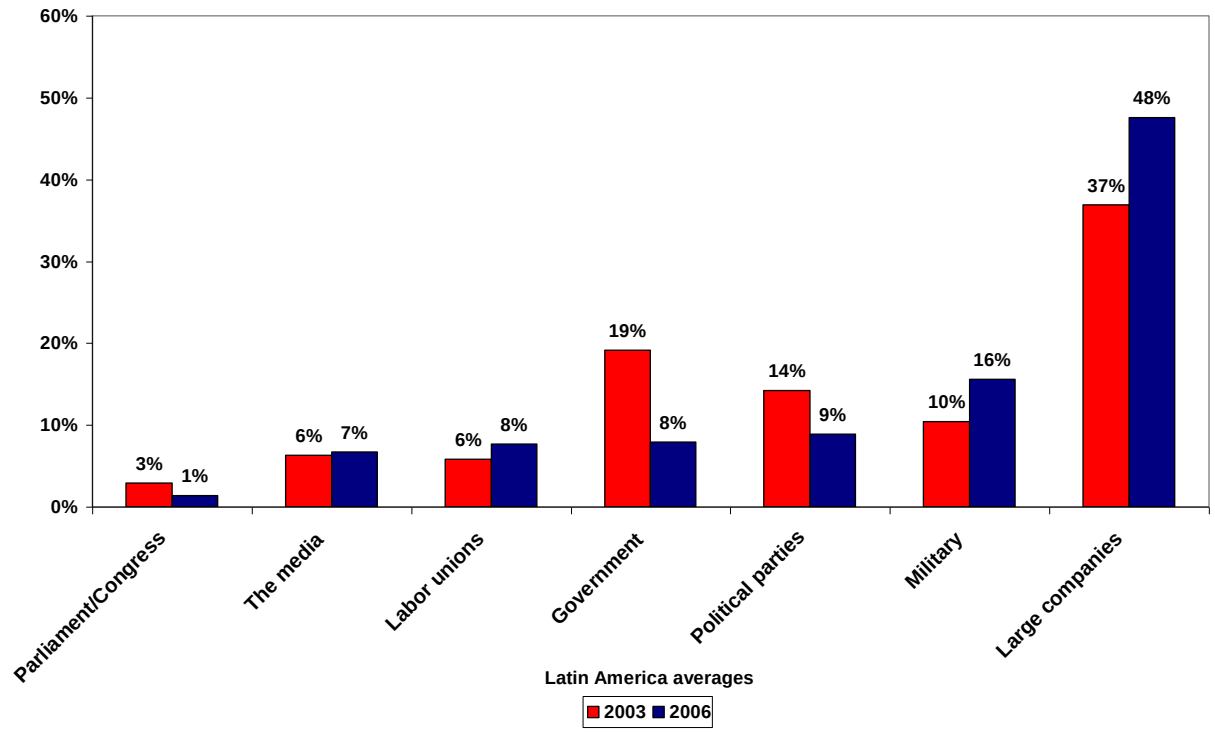
Who wields power in Latin America?

DE FACTO POWERS	*NUMBER OF TIMES MENTIONED / %*
Economic groups / business / financial sector	150 (79.7%)
Media	122 (65.2%)
Churches	82 (43.8%)
Labor unions	58 (31%)
Indigenous sector	6 (3.2%)
Illegal powers: mafias, drug traffic, guerrilla, paramilitary	48 (26%)
Civil-society organizations	24 (12.8%)
FORMAL POWERS	
Executive Branch	68 (36.4%)
Legislative Branch	24 (12.8%)
Judicial Branch	16 (8.5%)
SECURITY FORCES	
Armed forces	40 (21.4%)
Police	5 (2.7%)
POLITICAL INSTITUTIONS AND LEADERS	
Political parties	56 (29.9%)
Politicians / political operators / political leaders	13 (6.9%)
EXTRATERRITORIAL FACTORS	
United States/ US Embassy	43 (22.9%)

Source: UNDP, 2004.

FIGURE 4.4

Who do you think has more power in this country? (2003-2006)



Note: We used question A70305A from the Latinobarómetro questionnaire for 2003 (18637 respondents): "Who has the most power? Who do you think has the most power in (country)? Name as many as three (First mention)."

We used question A70305A from the Latinobarómetro questionnaire for 2006 (19,495 respondents): "Who has the most power? Who do you think has the most power in (country)? Name as many as three (First mention)."

Source: Prepared by the authors on the basis of data from Latinobarómetro 2003 and 2006, www.latinobarometro.org . Average for Latin America.

Again, income disparity, asymmetrical political power, and deficiencies in States combine to cause a crisis of representation and governance, and generally make for poor-quality democracy. These crises occur when electoral promises are not kept, when public opinion realizes that the government cannot change reality, when programs and reforms fail, when voters' hopes are frustrated, and when original alliances are supplanted by new alliances that change the programs that voters originally voted for. Unequal power then limits the range of options available to citizens in the electoral process. For example, there are issues that the *de facto* powers keep off the public agenda and many of these directly involve the deficit in social citizenship. Such debates, on the very origins of poverty and inequality, are then, in essence, prohibited in Latin America.

But there is urgent need for debate on these very issues if Latin America is to get out of the dangerous spiral that feeds on unequal power, State weakness, and "the failures of democracy". Topics for this debate are:

- serious deficits in citizenship affecting Latin America, especially in civil and social aspects
- the world's highest income disparity
- how concentration of income in one group gives that group more economic and social power

But that power can be balanced by a government with more regulatory capacity. A reasonable balance will not be achieved spontaneously or generated by market forces. Concentration of power undermines the State's capacity to regulate power in society. The State is sometimes taken hostage by *de facto* powers. This leads to a dangerous feedback loop: lack of power means the State is weak, which lets power become even more imbalanced in society.

Under these conditions, a democratic system has little power to resolve civil and social deficits, which increases the crisis of representation and people's support wanes as the government loses legitimacy. Then we get further and further from the idea that citizenship democracy is possible, which was the framework for our analysis.

For these reasons, our studies about democratic sustainability must address the central issue of analyzing power, the concentration of power, and the State's loss of capacity to democratize. One benefit of taking this perspective will be to show the limited effects of government reform. For example, institutional reform initiatives are often fruitless when it fails to take into account the State's substantive weakness in policy implementation. Or, more generally, the idea that technically strengthening institutions will enable the State to work better. A State without power cannot have effective bureaucracies or institutions suited for democracy. This is the case of judicial reforms that attempt to improve the effectiveness of judicial bureaucracies although the State is powerless to enforce legal norms.

Another benefit is that this analysis will also provide a new perspective on the nature of the crisis of representation. Extreme power inequality implies a loss of State capacity to expand citizenship and this loss is partly the origin of the crisis of representation not only because it restricts the democratic process of citizen choice (control of the agenda) but also because it constrains actual fulfillment of society's demands.

State structure, function, and capacity

The study team found that structural economic reforms in Latin America have tended toward de-regulation and have even tended toward a State with a more subsidiary role in many dimensions of social development. They have also often also confused State "reform" with "cutbacks" to re-establish healthy public finances. Conditions imposed by international financial agencies in the early 1980s as strictly economic gradually spread beyond economics and ended up strait-jacketing State functions as well, breaking down State structures and technical resources. The prevailing idea that downsizing the State was a prerequisite to development and key to debt reduction had become an axiom on the public agenda, however. One country in the region even had the slogan, "A smaller State for a greater nation".

Yet this over-confidence in markets and rationalizing spending led to a State that was insufficient to ensure democracy and, paradoxically, insufficient to shore up market economies that would supposedly achieve growth along with human development and social inclusion. Historical

deficits in State capacity in many countries were then exacerbated by new deficits, pulling down even those that had made the greatest headway in developing their State institutions.

Over the last few years these shortfalls have become increasingly obvious too, and some States have rebuilt their capacity to regulate and even intervene. In fact, nothing has made the need for 'more State' more evident than the global financial crisis in late 2008. In Latin America this debate had begun, long before, however, with political movements and demands for the State to resume a series of functions that had been lost during the reform period (see Box 4.26).

BOX 4.26

Institutionalizing societal oversight

A dilemma as yet unresolved is how much institutionalization is required not to stifle societal autonomy while not leaving vulnerable the citizen participation in general and societal oversight in particular. Another dilemma associated with the previous one is how organic societal oversight must be, especially considering that organization is a scarce resource which, if emphasized, may contribute to "elitizing" citizen participation.

The first consideration in this regard is that institutionalizing societal oversight does not depend on how many (or few) bodies, laws or systems are created for this purpose. This dimension is only part of the problem, although we usually tend to confuse it with 'the problem'. The second consideration is that the issue of institutionalizing societal oversight is not always relevant, since there are manifestations of societal oversight that cannot be reduced to the problem of institutionalizing them, although this might influence them. Accordingly, one must begin with the distinction between societal oversight promoted by the Government and that which is developed spontaneously by Society".

Source: Nuria Cunill-Grau, "La rendición de cuentas y el control social. Una aproximación conceptual" [Accountability and societal oversight: a conceptual approach], paper prepared for the First International Seminar on Accountability and Citizen Oversight in Territorial Entities, Bogotá, Colombia, 12-13 April 2007, pp. 12-13.

The State-market dichotomy has now polarized Latin America, since our region has understood these criteria as an exclusion of societal organization. The current challenge, then, is not really a question of "more State or less State". The problem lies in a lack of capacity and, therefore, a lack of State legitimacy. If the political aim of democracy is to improve well-being then the State is the instrument for collective action to attain those aims. In other words, the public sector and public policies must be effective (see boxes 4.27 and 4.28).

The size of State bodies, for example, the number of staff or volume of public spending, and what functions the State should perform and which it should delegate to the market, should be debated politically and chosen by the electorate.

BOX 4.27

Reconsidering the minimum State

Unbounded confidence in the market's ability to solve all the problems didn't last long. By the mid-1990s, it became obvious that such optimism was misplaced, and the very institutions that promoted it, especially the World Bank, began questioning their own initial postulates, particularly about the bounties of the minimum State.

Source: Mauricio García-Villegas, Estado y reforma en América Latina [State and reform in Latin America]. Document prepared for this project.

BOX 4.28

The conditions for a strong State

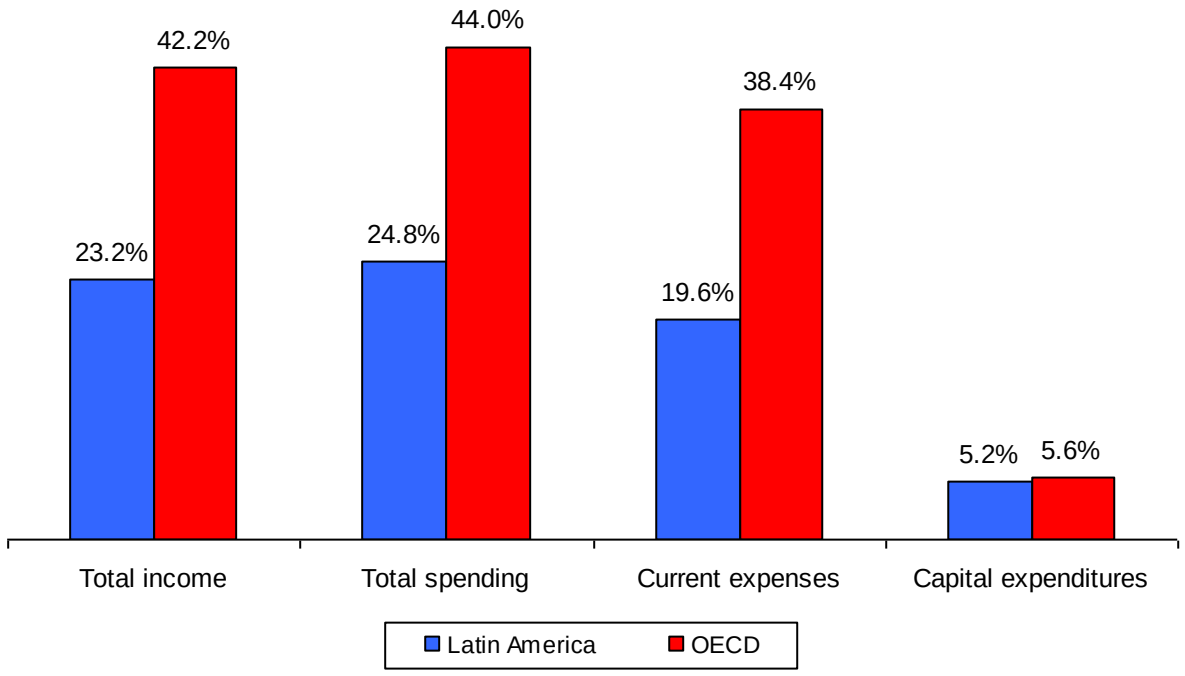
For this State to be strong or capable, it will require, on the one hand, legitimacy in the eyes of civil society and the Nation and, on the other hand, its finances must be healthful and its administration, effective and efficient.

Source: Luiz Carlos Bresser-Pereira, El Estado necesario para la democracia posible en América Latina [The State that is necessary for the democracy that is possible in Latin America]. Document prepared for this project.

In analyzing of the State and its size we must also distinguish among three aspects that are often confused: dimensions, functions, and capacities. By *dimensions* we mean the State's quantitative presence in a society, such as the percentage of spending or revenues over the GDP and the number of staff. From this vantage point, public spending in Latin America does not seem excessive in comparison with international standards (see Figure 4.5).

FIGURE 4.5

Governmental revenues, Latin America vs. OECD



Sources: Based on data from ECLAC (Badecon) and from OECD, Economic Prospects for Latin America 2009, Chapter II; Economic Prospects for Latin America 2008, Chapter I).

As for State *functions,* there are many types. One that could provide a basis for debate has been proposed by the World Bank.[68] It has three main elements:

- *Basic* (defense, justice and order; public health; protection for the poor; macroeconomic administration; protection of property rights)
- *Intermediate* (education, environment, regulation of monopolies, financial regulation, Social Security)
- *Active* (industrial policy; redistribution of wealth)

Using this type, some analysts could assert that the intermediate functions are just as basic and that this list leaves out other essential functions, such as broader market regulation, far beyond just monopolies and flaws in financial markets. They could also assert that redistributing income is inseparable from the fight against poverty in countries such as those of Latin America and therefore this is a basic State function; and that the active functions should include developing technology and creating public enterprises.

[68] World Bank. 1997.

Finally, in *capacities* we include:

- formulating public policy
- bureaucratic capacity to implement public policy
- political power to enforce policy, without exception

Here, more effective bureaucracy, institutions fit to meet current challenges, recovery of State functions, and State power sufficient to implement decisions are not directly related to State size. A 'big' State can also work poorly and its size can hamper its capacity to implement policy. The more relevant questions are what the State must do and what instruments it must have. Then comes discussion about human resources and spending required for these purposes.

Further, in some cases – despite previous dismantling – the State also takes on inappropriate roles (for example, producing goods and services) elsewhere. **So some countries have too much State here and too little there.**

How has downsizing affected democracy?

There are two areas in which downsizing has affected democracy. First is the impossibility of keeping electoral commitments due to reduced public spending. Second is the loss of public assets, such as security, which used to be enjoyed nationwide and are now appropriated by private entities or are so deficient that they don't really provide citizens with adequate protection.

US sociologist Charles Tilly says, "Weak states have often existed in history, but until recently they have rarely democratized at all".[69] The combination of democratic systems and weak States is therefore something new in history. In Latin America many weak democratic States also coexist with poverty and high inequality.

This situation – too little State to meet the challenges of democratization, poverty and inequality – accurately captures the great challenge facing democracy in 21st-century Latin America.

[69] Tilly C., (2007), p. 164.

STAKEHOLDER VIEWS AND POSITIONS 4.10

"In the 1990s we said that economics should override politics, because the market and the private sector were in a position to solve all economic and social problems. State intervention ought to be minimal, because at the end of the day everything that the State did was vicious and everything the market did was virtuous. The world, of course, has many more shades of gray. […] The international financial crisis is showing the need not only for the State but for politics to override the market and the private sector. State intervention is fundamental to expand citizenship, above all the social rights."
Senator from Uruguay 1, 9/12/09.

"There was no discussion with the people about what the people want. […] Democratically elected governments embraced the position of the laissez-faire State, leaving the market free without any discussion about it. The size and type of State must depend, ultimately, on what societies want."
Representative of a labor union confederation from Costa Rica, 17/11/09.

"We have States that are not part of the solution but part of the problem. The State's fundamental task is to properly manage all its resources, in line with its goals. […] Part of the disenchantment with politics and democracy is a consequence of the vision of a State that is more of a stumbling-block. People go on with their lives in spite of the State and its obstacles, rather than thanks to the State. The immense resources that the State handles are subject to great waste. Very little is actually spent to solve problems; even the way that solutions are proposed usually has little to do with reality."
Female Mexican legislator, 22/03/10; paraphrased.

"All State reforms must be approached teleologically. That is, what do we want a State for, and then we can say how we want to shape it. […] There are State functions that are clear, and agreed to by worldwide consensus, beginning with security and justice. However, for quite some time now, States have taken responsibility for basic health care, for social security, because in modern States people are not supposed to die in the streets. Even if someone has not worked or is not working, they are entitled to live."
Female Minister of the Executive Branch of Uruguay, 9/12/09.

"A handicapped State cannot sustain democracy […] To govern under globalization requires more State, not less State". Ex-foreign minister of Colombia – written comment.

Without the State, democracy of citizenship is illusory

Military coups are now the exception in Latin America rather than the rule, and they are universally condemned. Where in the past, minorities that wanted to take over the State sought to push their opponents in government out, now they try to weaken the State so it can no longer implement the majority's will or, on the contrary, try to co-opt the government that is running the State. **Minority sectors in Latin America have often played this two-way game of disarming and occupying the State as a way of watering down majority decisions**.

If the State lacks the capacity to perform the functions delegated by society, both the legitimacy of origin (people's sovereignty) and legitimacy of purpose (expansion of citizenship) are seriously weakened.

As we have seen, the loss of State capacity originally resulted from a combination of the old, anachronistic Latin American State with its vision of reform from the 1980s and the idea dominating public policy during the last few decades that downsizing is a prerequisite for economic development and indispensable to re-establish healthy public finances.

But the current vision is that State-building now should focus on those capacities that increase its efficiency and effectiveness, i.e., professional development for civil servants, modernizing bureaucratic organizations, and strengthening the public power needed so the functions and goals set by societies will not be mere aspirations but projects with realistic possibilities for application.

While 'effectiveness' implies State political power and organization (see Box 4.29), which we have already discussed, the question of efficiency contains two major issues: the capacities of public officials to design and formulate public policies and the capacities of bureaucracies to implement programs and projects.

BOX 4.29

The paradox of power

A government that is very powerful within its institutional framework may not be very effective in applying its policies. Great concentration of power around policy-making may constitute too much power for those policies to be effective.

Source: Adam Przeworski, Instituciones representativas, conflictos políticos y políticas públicas [Representative institutions, political conflicts and public policies]. Document prepared for this project.

Public administration reforms must increase efficiency and quality of public service (see Box 4.30). With the public sector's growing role in Latin American economies, efficiency is increasingly imperative. With the partial exceptions (in some countries) of their foreign ministries, ministries of finance and central banks, professional development for civil servants is generally quite low in the region. Professional training is insufficient, meritocracy is lacking, and graft is rampant.

BOX 4.30

Renewing governmental bureaucracy and the need for professional civil service

The government bureaucracy will end up as the actual graveyard of political projects, making them increasingly harder to reconstruct again, unless some government can remove and renew the old norms, dismantling old structures, and/or eradicating undesirable cultural patterns and ways of behavior

It is hard to imagine that a genuine process of change in civil service could begin without making competitive evaluation finally mandatory as the only way to join the public sector. A competitive subsystem automatically closes the entrance to those not based on this principle. Then, the next change in the rules of play ought to address evaluation of performance, a technology linking the past with future actions. In fact, evaluation establishes the relative contribution of each public servant to producing public goods and services (a look at the past) but also yields information to assess any deficit in training, establish career profiles and possibilities for promotion, considering the granting of prizes or salary increases (a look to the future). This may be one of the most complex parts to prepare, but next is to implement technologies regarding the modernization of a professiona career. Another part is to establish new pay schedules or personnel systems, and profoundly reform the structure and composition of remunerations.

Source: Oscar Oszlak, La profesionalización del servicio civil en América Latina. Impactos sobre el proceso de democratización [Professionalization of civil service in Latin America. Impacts on the democratization process.] Document prepared for this project.

STAKEHOLDER VIEWS AND POSITIONS 4.11

"The complexity of State reform is that those who have to make the decisions, at least in the Dominican Republic, understand that those decisions will hurt them politically. So they don't make them."
Scholar from the Dominican Republic, 17/11/09.

"A law on civil service would help us break down some of the elements that have prostituted the government's functional system, so that when I get to a public office and have a group of people I have to place, and they give me the listings of the people who I have to hire, such as teachers, members of the ministries, etc.".
Businessperson and representative of a foundation from Guatemala, 10/11/09.

"How to build the public sector's capacity for strategic planning? First of all, for human resources I understand that the public sector must have a Law on Salaries. […] Another proposal is to create an administrative career path and an administrative training school. Then, when the government changes, public servants will feel that they will continue doing their jobs. Another point is to eliminate clientelism. Here, public institutions are full of employees […] who do nothing, who don't even go to work but they receive their salaries."
Representative of a CSO from the Dominican Republic, 17/11/09.

"In our country, the issue of public servants has been viewed so loosely that this cannot be justified. For many years, it was the clientelistic way to get votes. […] These officials who were appointed many years ago are no longer useful for Public Administration."
Female official of the Executive Branch of Uruguay, 9/12/09.

"State reform that can efficiently get staff to perform their obligations and actually punish them if they do not, has several chapters still unwritten. In Uruguay, to dismiss a public employee requires approval by the national Senate. […] Some such procedures take ten years!"
Senator from Uruguay 2, 9/12/09.

In summary, an adequate State is a precondition for sustainable democracy. **Where a State lacks power, the citizens are increasingly alienated from democracy. An inefficient State squanders public resources and is constrained by its limited power from implementing public policies or increasing citizens well-being.** These two issues are vital to democracy and must be at the center of the political debate in Latin America. Alternatives to resolve our deficits in this area must also become essential elements in campaign platforms.

Chapter 5: THREE TOP-PRIORITY PUBLIC POLICIES: A NEW FISCAL APPROACH, SOCIAL INTEGRATION, AND PUBLIC SECURITY

A new fiscal approach

Taxation as an instrument to balance economic and political powers: The challenge for generating fiscal capacity in the Latin America region is two-fold: decreasing dependence on 'indirect' taxes while maintaining or increasing tax revenues. Currently, not enough revenues are collected to reduce the gaps in citizenship and what is available does not make enough impact on the well-being of the majority. This leads us to two questions:

- What reforms are required to reduce the dependence of Latin American States on the revenues that are "easy" to collect, such as 'indirect' taxes and non-tax income.
- What fiscal instruments are best suited to reducing the concentration of income in a privileged minority and narrowing the gap in well-being?

Direct taxes as a central instrument for redistribution: Direct taxation is one of the instruments of economic policy with the greatest potential for balancing economic and political power. However, it is one of the least used in Latin America. And worldwide too, low levels of fiscal income from direct taxation in a given country often correspond to high income disparity, whereas high levels of direct taxation correspond to low income disparity. Direct taxes would therefore be more effective for redistribution of economic and political power, at more equitable tax rates. What, then, are the political pathways and institutional reforms necessary to collect more direct taxes, especially from individuals, keeping in mind the greater technical difficulties for collection?

Democracy, the State, and taxation

Taxes are not just an accounting issue and they're not solely economic either. Rather, they are one of the core issues for sustaining a democratic system. Electoral commitments, the capacity to distribute power in other ways, and the State's capacity to attain its own goals all depend on taxes.

Latin America demonstrates serious deficiencies in fiscal capacity, meanwhile. Tax collection and public spending seem not to have had a significant impact on growth or on redistribution of economic and political power and as we will see, this situation partly explains why income disparity is so high. **After taxes and transfers, the income disparity measured by the Gini coefficient only dropped from 52.3 to 49.6, where in the OECD countries it dropped from 45.9 to 31.1, a difference of 32%.**

Thus, after 25 years of democracy, income disparity has only reduced slightly and overall concentration of income has not changed appreciably. What debate on inequality does occur generally occurs in the context of 'distributive justice', and beyond this ethical dimension, inequality also has major economic and political effects. It leads to under-utilization of human resources and can therefore adversely affect economic growth, and it determines political power

in society. **Or, 'whoever holds the wealth also holds the power' and this power competes with the power delegated to the government in the democratic process.**

One basic challenge to democracy is redistribution of power so that rights on paper can become actual rights in citizens' daily lives. One important instrument – although not the only one – to compensate for social inequality, then, is taxation and better allocation of public resources. The tax system, and more generally the entire fiscal system, are at the very heart of democracy. It is no accident that setting tax levels and authorizing public spending gave rise to modern parliaments. In addition to being essential to compensate for social inequalities, taxes and social public spending are essential for the State to meet its other basic aims assigned by the citizenry through the political system.

Therefore, fiscal issues are central elements in sustaining a democratic system through distribution of power, civil and social citizenship, and State capacity to meet its goals. Although these are central to debate in industrialized nations, they are almost totally absent from electoral campaigns and political platforms in Latin America.

Latin America, a region with low fiscal and taxation capacity

In the context of these harsh inequalities and growing social demands in the region, fiscal capacity becomes vital. This is the capacity to collect and then administer public monies effectively and efficiently.

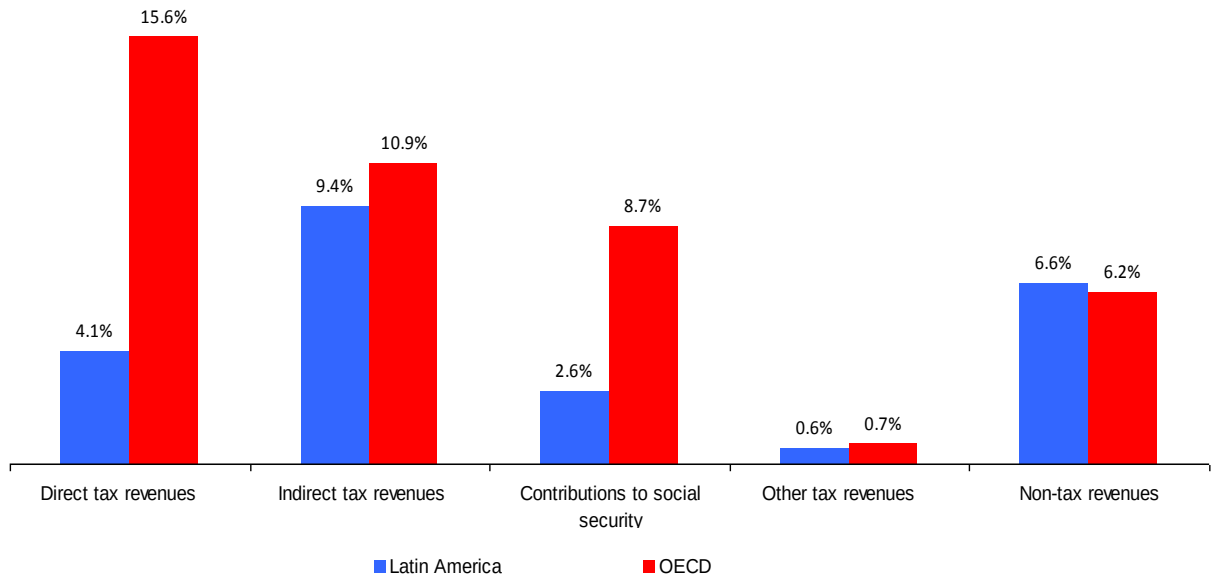
The three fundamental dimensions of fiscal capacity are its contribution to reducing inequality and gaps in well-being, its power to channel revenues toward public works including infrastructure and knowledge networks, and its ability to sustain public finance long-term. Here we will focus on the latter two and discuss the third later.

Long-term fiscal sustainability means maintaining fiscal balance without increasing public debt. This sustainability must be compatible with other macroeconomic functions of fiscal policy, in particular, measures that prevent excess demand from building up during boom periods and that contribute to reactivating economies during crises. Some examples of the mechanisms adopted in some developing countries to achieve these goals are the adoption of clear, transparent fiscal rules and creation of macroeconomic stabilization funds.

Public investment in physical, human, and institutional resources is indispensable for reinforcing development strategies based on social equity and on efficient market operation, and taxes ensure the availability of resources for these purposes. The experience of the more advanced economies indicates that it's imperative to consolidate and expand the mechanisms of progressive taxation in order to provide public goods adequately and in order to improve the distribution of income.

Ultimately, income and spending in the Latin America region show marked differences with the structure of income and expenses in the OECD countries and this illustrates the challenges that Latin America must face in fiscal capacity (see Figure 5.1). First, as a proportion of gross domestic product (GDP), fiscal and tax collection in Latin America is just under half that in OECD countries. One exception in this area is Brazil, which has Latin America's highest tax rates.

FIGURE 5.1
Composition of fiscal revenues in Latin America and the OECD, percentage of the GDP



Source: Based on data from ECLAC (Badecon) and from OECD, Economic prospects for Latin America, 2009, Chapter 2; Economic prospects for Latin America, 2008, Chapter 1.

Second, 'non-taxable income' – largely from raw materials extraction and marketing – constitutes over one-quarter of current income in Latin America, while this is only 15% on average for OECD countries. In other words, taxes are not collected on 25% of income in Latin America and it is largely income from minerals and marketing. This proportion is obviously higher in countries with large hydrocarbon and mining resources.

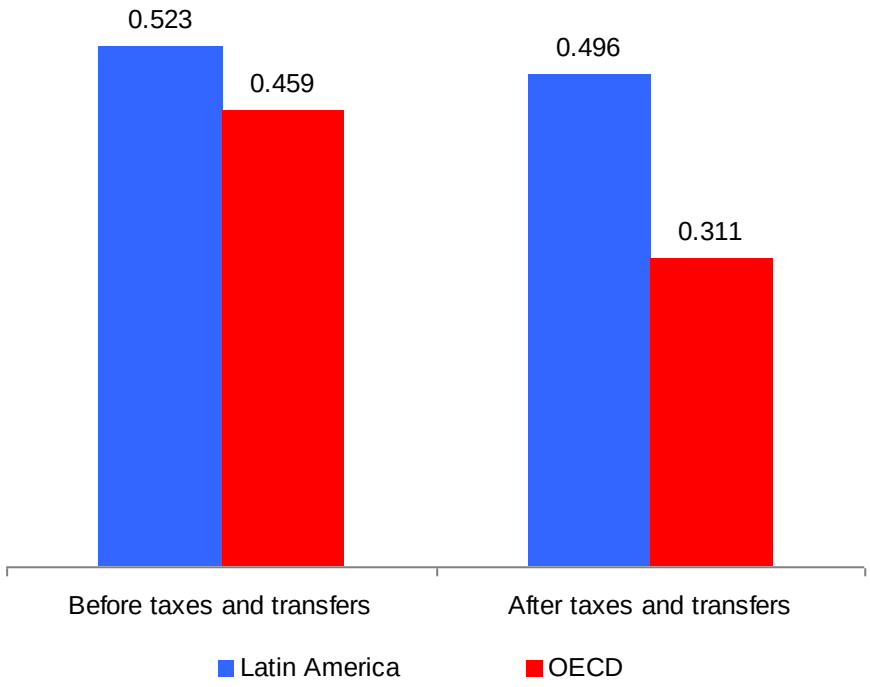
Third, direct taxes, which are generally progressive, are less than half that of current public-sector revenues in Latin American countries, compared to other OECD countries (17.7% versus 36.9%). The same applies for contributions to Social Security, which in Latin America are barely half that for OECD countries (11.3% versus 20.6%). Yet indirect tax revenues in Latin America, which are much more regressive, are practically double the indirect taxes in the OECD countries (40.3% versus 26%).

Therefore, taxation not only achieves much less in Latin America, but also has a much more regressive structure than in OECD countries. Further, public spending in this region is much more oriented toward investment compared to the OECD countries, which implicitly assumes lesser availability of resources for social spending, although modernizing infrastructure (originally relegated by the fiscal adjustments of the late 1980s) is also a determining factor in developing comparative advantages, like facilitating insertion of local products in international markets and attracting new capital.

These facts, and the non-progressive nature of some types of spending, explain why fiscal revenues and public spending seem not to have had a significant impact on income disparity in Latin America. In fact, an important part of the difference between income disparity in Latin America and in the OECD is explained by their different fiscal

structures. Latin America also has income distribution somewhat worse than OECD before taxes and public transfers, equivalent to six points on the Gini coefficient. However, this difference widens notably after taxes and transfers: in the OECD, the impact of public finance is highly progressive, reducing the Gini coefficient by 15 points (one-third) whereas in Latin America it's just under 3 points (5%) (see Figure 5.2). Changing these characteristics of the fiscal structure is therefore essential to construct more egalitarian societies. The studies by ECLAC, the World Bank and the OECD corroborate these conclusions.[70]

FIGURE 5.2
Inequality in income distribution, before and after taxes and public transfers



Note: For Latin America, data is obtained from the central government for 2008. For Argentina and Brazil, data is obtained from the general government. OECD data are for general governments of 29 countries for the years 2006 and 2007. Mexico is not included.

Sources: Prepared by the authors on the basis of data from ECLAC (Badecon) and from OECD, 2008, Growing Unequal? Income Distribution and Poverty in OECD Countries; OECD, 2009, Economic prospects for Latin America; OECD, 2009, Economic Policy Reforms 2009, Going for Growth.

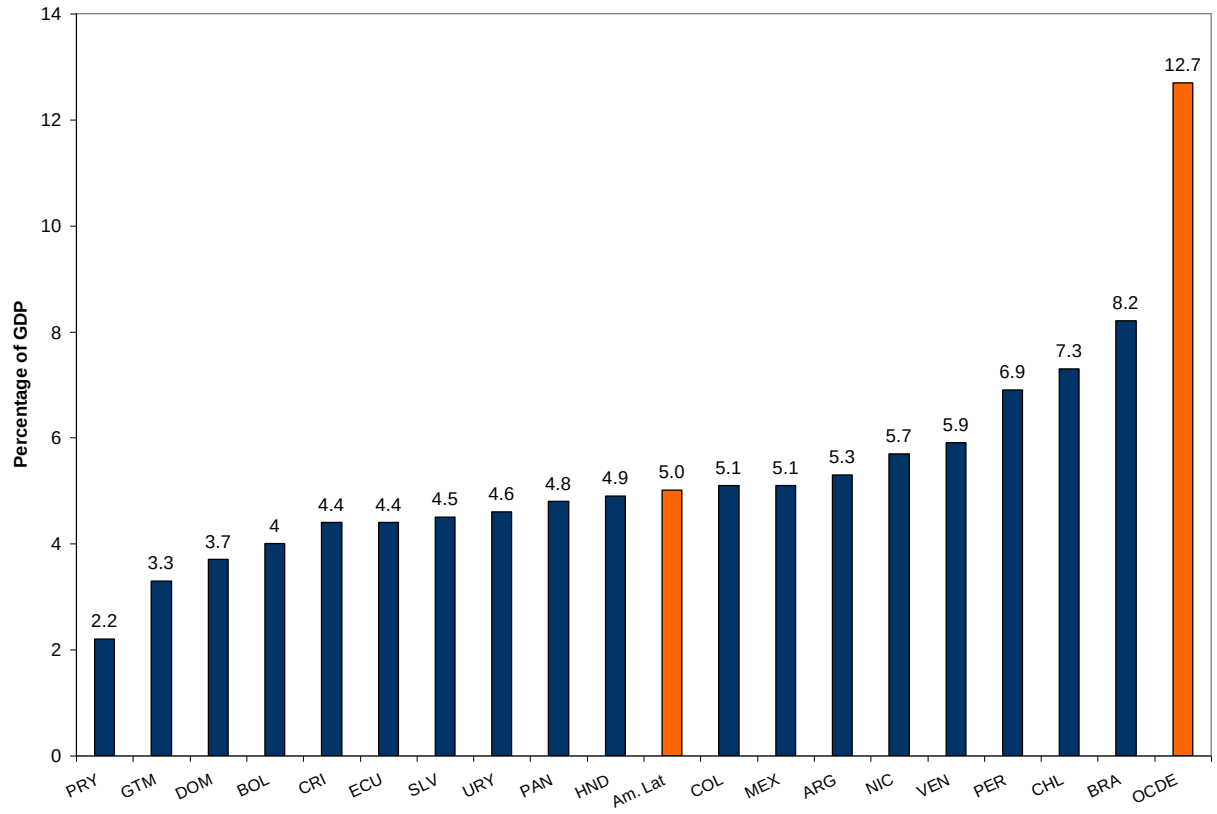
The challenge of direct taxation

[70] See ECLAC, 1998 and 2010; World Bank, 2006; OECD, 2007.

Direct taxation is one of the instruments of economic policy with the greatest potential for redistribution. However, it is one of the least used in Latin America. The World Bank[71] has estimated that based on income levels in individual countries, Latin America ought to collect another four points of the GDP in tax revenues, mostly concentrated on income tax, especially from individuals.

Taxes on income, profits, and capital gains for corporations or individuals represent an average of 5% of the region's gross domestic product, far lower than the 12.7% in the OECD countries (see Figure 5.3). The corresponding tax levels are then much lower in some Latin American countries, such as Guatemala and Paraguay. However, those countries with higher levels of direct taxation as a proportion of the GDP, such as Brazil, Chile, Peru, Uruguay, and Venezuela, show comparable levels of collection to those in OECD countries with the lowest direct tax pressure, such as Turkey, Greece, and Portugal.

FIGURE 5.3
Taxes on income, profits and capital gains in Latin America and OECD countries



Note: For Latin America, data is obtained from the central government for 2008. For Argentina and Brazil, data is obtained from the general government. OECD data are for general governments of 29 countries for the years 2006 and 2007. Mexico is not included.

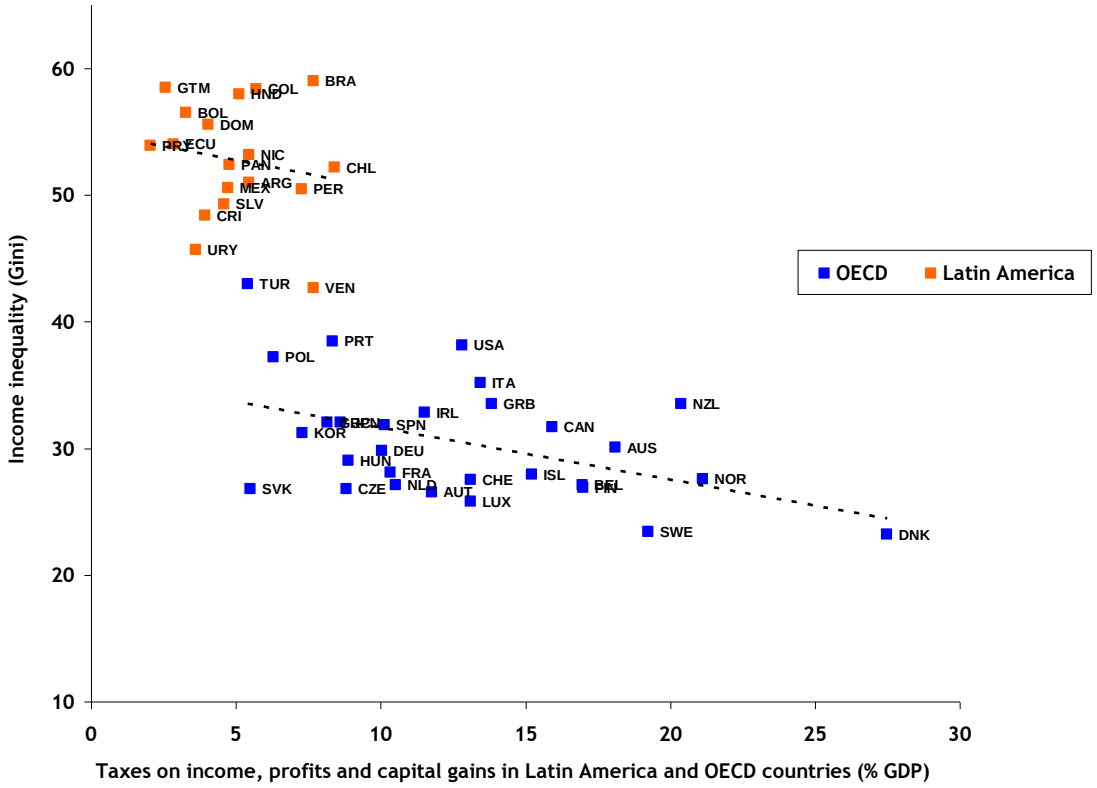
Sources: Prepared by the authors on the basis of data from ECLAC (Badecon) and from OECD, 2008, Growing Unequal? Income Distribution and Poverty in OECD Countries; OECD, 2009, Economic prospects for Latin America; OECD, 2009, Economic Policy Reforms 2009, Going for Growth.

Further analysis of OECD countries reveals that the higher the direct taxes, the more equal the income distribution (see Figure 5.4). And countries with high levels of inequality, such as

[71]World Bank, 2006.

Poland, Portugal, and Turkey, do demonstrate lower levels of fiscal income from direct taxation, where countries with direct collection clearly show less income disparity, such as in Denmark, Norway, and Sweden.

FIGURE 5.4
Inequality of income and direct taxation in Latin America and OECD countries



Note: Inequality of income is measured by the Gini coefficient (latest figure available for the period 2005-2007). The average Gini for Latin America is 52.8 (simple average). The average Gini for the OECD countries is 30.5 (simple average). For Latin America, data is obtained from the central government for 2008. For Argentina and Brazil, data is obtained from the general government. OECD data are for general governments of 29 countries for the years 2006 and 2007. Mexico is not included.

Sources: Prepared by the authors on the basis of data from ECLAC (Badecon, Badeinsol) and from OECD, 2008, Growing Unequal? Income Distribution and Poverty in OECD Countries; OECD, 2009, Economic prospects for Latin America; OECD, 2009, Economic Policy Reforms 2009, Going for Growth.

This same relationship occurs in Latin America, although it's less neatly expressed. Nevertheless, average direct collection in Latin America represents about one-third of what is collected in the OECD for taxes on income, profits, and capital gains for individuals and corporations.

Most direct tax collection in the OECD is from individual taxpayers, which is technically more complex and has higher potential redistribution, the opposite of Latin America, where most direct tax income comes from corporations.

Weal fiscal and tax policy, then, is clearly one of the main obstacles facing this region in efforts to narrow social gaps (see Box 5.1). In other words, not enough revenues are collected to reduce the gaps in citizenship and what is available does not make enough of an impact on the well-being of the majority. Two questions become central to the region's political agenda, then: how to build technical capacity to use fiscal management and taxes as a tool to reduce social gaps, and how to generate the political support to achieve that.

Strengthening of the tax structure and the redistributive impact of public social spending are fundamental elements in creating citizenship: more direct taxes, better collection, and more/better social investment.

BOX 5.1

Tax payment by the upper classes

[...] To be able to play a significant role in modifying relative incomes, governments must have access to significant, un-allocated resources. These resources must be obtained predominantly from the social classes with the highest incomes.

Source: Vito Tanzi, Aspiraciones democráticas y realidades fiscales en América Latina [Democratic aspirations and fiscal realities in Latin America]. Document prepared for this project.

Fiscal capacity, tax evasion, and tax morality

State fiscal capacity, the competency to collect and spend public resources effectively and efficiently, is seriously limited by political and institutional barriers as well as by technical factors. Accordingly, one factor determining the relatively low level of direct tax revenues in Latin America is tax evasion (see Chart 5.1). And here again level of development generally plays a part. Where in Guatemala, for example, income tax evasion is nearly 70%, and in Ecuador it is well over 50%, in France and Britain it is barely 25%.

CHART 5.1

Income tax evasion by individuals

	ESTIMATED EVASION RATE - % (2005)
Argentina	49.7
Chile	46.0
Ecuador	58.1
Guatemala	69.9
Mexico	38.0
Peru	32.6
El Salvador	36.3

Belgium	29.9
France	24.6
Great Britain	22.0
Hungary	30.2
Portugal	31.9

Note: The evasion rate in the European countries is calculated as: 1 – (the rate of income tax compliance by individuals).

Source: Prepared by the authors on the basis of ECLAC data. The Vienna Institute for International Economic Studies (WIIW).

Among the main causes of tax evasion are the technical complexity of the tax, the weak institutional capacity of the collecting agency to inspect taxpayers and penalize tax crimes, and lack of 'tax morality' among taxpayers, in other words the lack of will to pay taxes.[72, 73]

The first two factors refer to technical and institutional aspects of tax policy and are closely related to the State's capacity to formulate public policies, the existence of well-trained bureaucracies, and the political power of enforcement. The third element, tax morality, is also related to some of these problems, but also to citizen values.

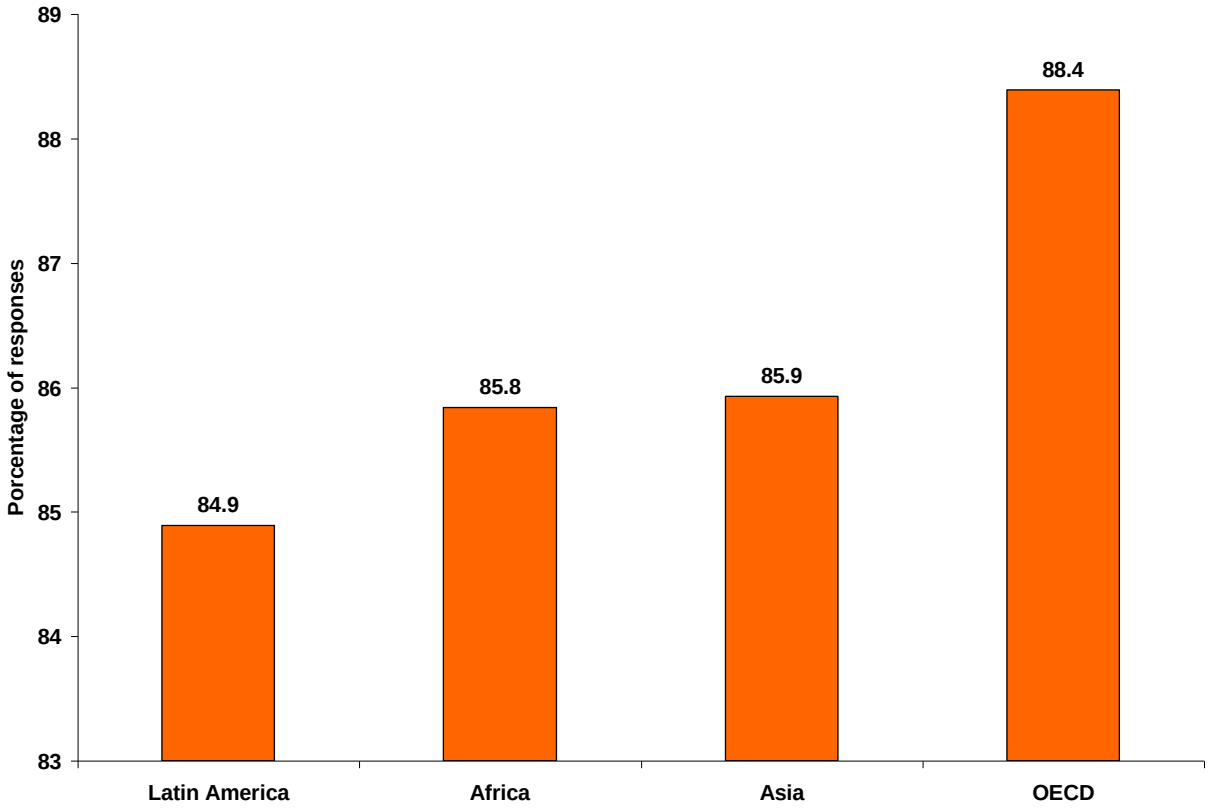
Low fiscal capacity limits the expansion of citizenship, upsets mechanisms for social cohesion, and negatively impacts individual expectations and citizens' assessment of public policies, which all lead to deterioration of tax morality. Thus, to build fiscal capacity and implement public policies for development – for example, increasing access to education, narrowing the income gap, greater progressiveness in the tax system, and adopting and disseminating mechanisms for transparency in public spending, among others – would significantly contribute to greater social cohesion.

By studying data on people's perception of taxes and levels of tax morality in different regions of the world (see Figure 5.5), we find that despite high overall support for actual payment of taxes, Latin America still has the lowest levels of tax morality (84.9%), (note, again, it's the most unequal region), whereas OECD countries have the highest levels of tax morality (88.4%).

[72]Tax morality involves the moral principles or values that individuals hold regarding tax payment. It is also a much-studied area of social psychology (Ajzen and Fishbein, 1980; Lewis, 1982). Empirically, tax morality is quantified through perception studies about respondents' subjective appraisal regarding the decision to pay or evade taxes.
[73]See ECLAC, 2010.

FIGURE 5.5

Tax morality in the world (2005-2009): It is not justifiable to evade taxes



Note: We used question F116 from the World Values Survey questionnaire, 2005-2009 round (76,509 respondents). On a scale from 1 to 10, where 1 is "not justifiable at all" and 10 is "totally justifiable": How justifiable do you feel it is to evade taxes? The graph represents the proportion of respondents who selected 1, 2, 3 and 4 on the proposed scale. The data are from eight countries in Latin America, eight countries in Africa, eight countries in Asia, and 18 countries in the OECD, excluding Mexico and Chile.

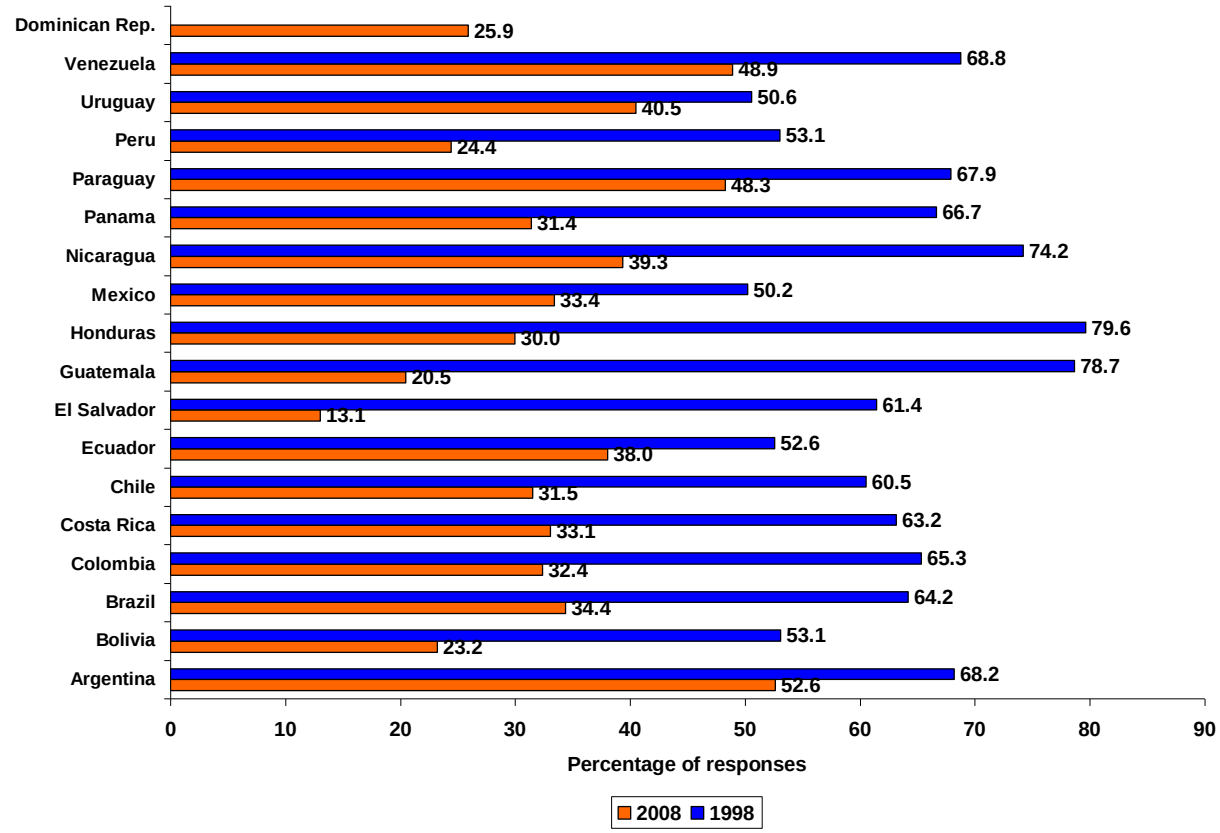
Source: Prepared by the authors on the basis of data from the official aggregate of five waves of the World Values Survey, 1981-2008, v. 20090914. World Values Survey Association <www.worldvaluessurvey.org>. Producer of the Aggregate File: ASEP/JDS, Madrid.

A more detailed analysis of the recent evolution of tax morality in the region reveals quite a significant decrease in the proportion of respondents who completely reject tax evasion (see Figure 5.6). The proportion of Latin Americans interviewed who found it totally unjustifiable to evade taxes dropped from 63% in 1998 to 34% in 2008[74]. Further, the proportion of "neutral" interviewees regarding tax evasion tripled over 10 years.[75] This apparent backsliding is present throughout the region. With the exception of Argentina, where in 2008 the support for tax compliance remained at over 50%, more people appear to believe that tax evasion is justifiable. It is particularly alarming in Honduras, Guatemala, and El Salvador, where over the last 10 years total rejection of tax evasion has lost support in over 60% of those questioned.

[74]Latinobarómetro, 2008.
[75]Neutral respondents are those who chose options 5 and 6 on the scale used by Latinobarómetro.

FIGURE 5.6

Tax morality in Latin America (1998-2008): It is not justifiable to evade taxes



Note: We used questions NP668 and P70ST from the Latinobarómetro questionnaire for 1998 and 2008 (35,731 respondents). On a scale from 1 to 10, where 1 is "not justifiable at all" and 10 is "totally justifiable": How justifiable do you feel it is to evade taxes? Data for 1998 do not include the Dominican Republic. The graph represents the proportion of respondents who selected option 1 on the proposed scale.

Source: Prepared by the authors on the basis of data from 18 Latin American countries from Latinobarómetro 1998 and 2008, <www.latinobarometro.org>.

The deterioration of tax morality in Latin America contrasts with the strong economic expansion at the turn of the 21st century. **Although the region grew, huge social deficits persist and this only confirms how necessary it is to build institutional capacity to collect and spend public resources effectively and efficiently.** However, it is not enough to adopt more progressive tax structures and modernize tax institutions either. Citizenship must actually expand, offering concrete improvements that individuals can feel: it must be lived. Otherwise, the risk of widening social gaps persists.

STAKEHOLDER VIEWS AND POSITIONS 5.1

"We need a new fiscal arrangement: gradual, progressive, for the long term, that can narrow the immense gaps. If we dodge this issue, no matter how many reforms we make in other areas, we will continue generating inequity. In this region we are champions at taking the tangent and evading fiscal issues."
Municipal mayor from El Salvador, 18/03/10; paraphrased.

"[Paraguay] is the country that pays the least taxes in this whole region. […] Profits and natural resources are private […], but we socialize the damages. […] We should get frank about taxes, and discuss again whether our contributions to the State are actually fair. The first measure would be to review personal income tax."
Representative of a Federation of CSOs from Paraguay, 26/10/09.

"How can we overcome inequalities? One way is fiscal: there are countries in this region with a fiscal pressure of 9% of their gross product. […] And that is because the State has been taken over by the de facto powers. It's not that these States are weak, but they have been taken over by private interests, which lowers the capacity to raise resources for subsequent redistribution."
Director of a public bank from Uruguay, 8/12/09.

"Fiscal arrangements should be a mechanism for redistribution. However, there are no solid institutions that can enable officials to override large companies."
Ex-vice rector of a Colombian university, 17/02/10; paraphrased.

"In addition to the challenge of raising the tax load, there is the challenge of moving on from taxpayer citizenship to constructing fiscal citizenship, viewing citizens not only as someone who pays taxes, but as a holder of rights and duties."
Minister of the Executive Branch from El Salvador, 18/03/10; paraphrased.

"A large part of the economy is not paying any taxes. […] They say that collection is low, but there are really big loopholes to be settled."
Businessman and foundation representative from Guatemala, 10/11/09.

"In Mexico there is enormous evasion by the most powerful consortia. A fiscal reform would have to start there, and not by making those who are already captive pay more and more."
Mexican legislator, 22/03/10; paraphrased.

"A fiscal agreement implies not only increasing taxes but also controlling State expenses, their amounts and their efficiency. And it must be conditioned upon prior enactment of a transparency law."
Representative of a business organization from El Salvador, 18/03/10; paraphrased.

"I think a fiscal agreement would be fine to increase our revenues, but there is also the issue of expenses, of how we actually spend the resources we are collecting […] How can we do decentralization in fiscal arrangements? How much decision-making about spending; how much revenue are we going to give to subnational or local entities?"
Ex-presidential advisor from Chile, 26/04/10.

Social integration

Universality as a principle in designing social policy: Highly unequal societies tend to generate institutions that provide limited social protection and demonstrate less progressive fiscal management, where those who are excluded have a weaker voice. The principles of social citizenship imply, however, that society must provide all its members with minimum standards of well-being. Yet in Latin America, the wealthiest sectors have access to private systems and society is commensurately segmented.

Segmentation in the provision of social services: Due to flaws inherent in the provision of social services, the profusion of social service providers may actually end up creating a more, rather than less, segmented system where some providers specialize in wealthier sectors and others in lower-income sectors. And the latter often offer lower-quality services. This seems to be the case with health-care systems.

The challenge of creating formal employment and "formalizing the informal": One of the central issues in social inclusion in this region is to generate more formal employment, meeting the requirements for "decent work" as defined by the International Labor Organisation (ILO).[76] Many informal sector workers and their families do not have the social benefits of those in the formal sector. Many of these self-employed workers have no access to the land, capital, technology, or business training they need to improve their productivity.

A minimum standard for social citizenship is a prerequisite for democracy

Huge economic and social inequalities in Latin America directly affect public capacity to deliver citizens' social rights and instead reinforce structures for economic and political power that just perpetuate inequality. As we saw in Chapter 2, over the last few years any progress on different social indicators is occurring against a persistent backdrop of serious inequalities and vulnerability for most of the population (also see Box 5.2).

BOX 5.2
Political equality and economic power

Whereas in politics, it is "one man, one vote", ensuring total equality in the value of opinions, in the field of economics, the importance of decisions is weighted by the power of income or the cumulative income, i.e., wealth.

Source: Roberto Lavagna, Notas sobre cuestiones estructurales y temas para la agenda [Notes on structural issues and agenda items]. Document prepared for this project.

There have been efforts to reduce inequality, such as through "conditioned transfers," a kind of public assistance. However, we have to move beyond handouts, toward broader issues of social citizenship and the basic principles of social policy that it embodies: universality, solidarity, efficiency, and integrated approaches.

[76] See ILO, 2009.

The problem of inequality in Latin America is not just the inequality inherent in market economies. There are also the historic inequalities existing since before the nations were formed, and the compounded effect of these two is responsible for the distance, sometimes abysmal, between rights and their enforcement.

These issues play an essential role in developing a better relationship between economics and democracy. An analysis of labor and fiscal issues would indicate that social outcomes are not independent of economic and social organization, and are not limited to the need to ensure social services or compensation for the adverse impacts on distribution of a given market mechanism. Highly unequal societies tend to generate institutions in which social protection is limited and taxation is less progressive, but also where those who are excluded tend to have a weaker voice and therefore be left out of political negotiations where issues essential for their fortunes as members of society are decided. Hence the importance of combining social reforms with democratization of economic debate along the lines set forth in Chapter 4.

The State and mechanisms for social integration

Social citizenship implies that society must provide *all* its members with minimum standards of well-being (see Box 5.3). The principle of universality must therefore be at the center of social policy design if there is to be social cohesion. This last concept, which has been at the center of Latin American debate in recent years, involves enabling all citizens to partake of a minimum level of well-being consistent with their country's development, as well as the symbolic heritage of the society and the capacity to develop norms and social bonds to reinforce collective action. Construction of this symbolic heritage is reinforced, in any event, by construction of basic well-being for all, so the two dimensions must be viewed as complementary.

BOX 5.3

Rights and social security

Social security must guarantee social rights for those who are unable to protect their civil rights and freedoms by themselves. Systems in place in Latin America have been unable to implement solidarity or social justice, or the function of distributing income to provide social services to those excluded from social security systems, to narrow the gap between poor groups and those who are above the poverty line.

Source: Andras Uthoff, Democracia, ciudadanía y seguridad social en América Latina [Democracy, citizenship and social security in Latin America]. Document prepared for this project.

This concept clashes profoundly with the reality in societies that are deeply unequal and, through various forms of segmentation, merely preserve old forms of exclusion while even generating new ones. Successive surveys by Latinobarómetro have in fact confirmed a very disquieting characteristic in Latin American societies: high levels of interpersonal mistrust. Recent research by CIEPLAN shows that this mistrust – an unmistakable symptom of the lack of social cohesion – is counteracted by two factors, however, Latin Americans' strong family identity and their positive vision of the future, in this case perhaps a typical perception of the

prolonged economic boom that many Latin American economies experienced from 2003 to 2008.[77]

The universality of social citizenship implies a kind of solidarity that takes on particular relevance in highly unequal societies. And since the forms of exclusion are multifaceted, it is essential to confront them through holistic policies that address not only the different dimensions of social policy but also the relationship between economic policy and social outcomes. At the center of this interaction are the job market and fiscal instruments to correct (only partially, though) the economic inequalities generated by market mechanisms. That's why universality, solidarity, and a holistic approach are essential for a social policy anchored in concepts of social citizenship. The principle of efficient use of public resources must also be added to this.

During the period of outward development, and especially during the period of State-led industrialization, incomplete social protection systems were developed with a scope that was, and still is, limited by their close association with formal wage-earning employment.[78] Their coverage has therefore been broader in those countries with greater relative development, where formal employment was proportionally more available. These systems have consequently marginalized rural sector workers and those working in the informal urban sector, who are still the majority in most countries of the region.

Although some systems such as primary education and public health were designed with more universal aspirations, their coverage has not always reflected this. Their segmentation, a remnant of the historical development of a private system used by the wealthier sectors, has perpetuated from the outset the major social differences existing in almost every country.

Visions of social policy during the era of structural reforms have sought, first of all, to reduce spending as part of the severe adjustment processes to cope with the debt crisis of 1980s in many countries. But they ended up weakening social protection systems (see Box 5.4). They also introduced four new instruments: decentralization, targeting, greater private involvement in service provision, and demand-side subsidies. The first of these instruments got off the ground during the process of democratization, seeking to strengthen local democracy and improve the efficiency of service provision. The second sought, at the beginning, to make budget cuts compatible with orienting social spending toward the neediest. However, in its most extreme form, this reoriented spending toward social assistance and gave up on the principle of universality. The third was clearly for efficiency and the fourth to grant lower-income sectors access to the corresponding services.

BOX 5.4

The social effect of the Washington Consensus

The Washington Consensus and the policies it brought with it have largely destroyed, or significantly weakened, the social protection safety nets that had been in place. They were not replaced by more formal policies, while income distribution has remained quite unequal.

Source: Vito Tanzi, Aspiraciones democráticas y realidades fiscales en América Latina [Democratic aspirations and fiscal realities in Latin America]. Document prepared for this project.

[77] See Valenzuela, 2008.
[78] See A. Uthoff-Botka, 2009. Document prepared for this project.

Viewed as a whole, these reforms clearly gave priority to the principle of efficiency over those of universality, solidarity, and integration of approaches. However, the visions supporting these three principals have strongly re-emerged during the current decade.[79] This entails, first of all, universalizing some basic services, largely on the basis of public resources. These services include primary education and potentially secondary education as well, access to water and sanitation systems and, in some countries, universal pension systems. In addition, several countries have set up a universal social heath protection system and a system of pensions (Bolivia and Brazil), and are in the process of developing other services, for example for unemployment, through a system combining, in all cases, user contributions and other sources of funding.

These targeted schemes, and the more recent creation of mechanisms for conditioned transfers, also owe much to the principle of universalization. These initiatives in particular combine a mechanism of social assistance with incentives to use the universal education and health systems. Further, many of these transfer mechanisms have expanded carefully, growing ever closer in some countries to universal coverage of the social groups they are designed to serve.

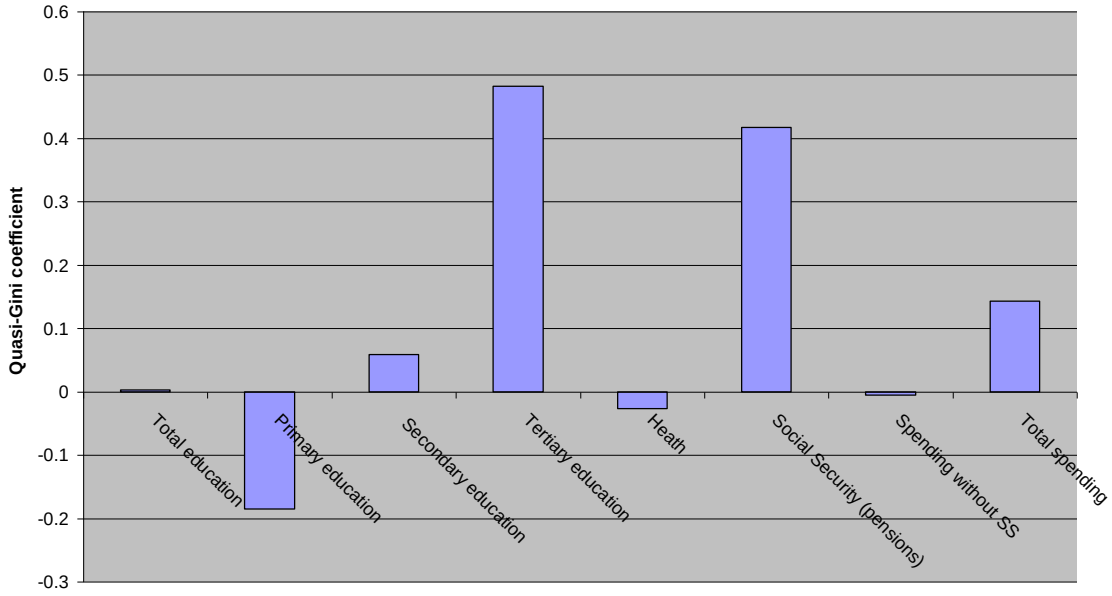
Evidence clearly indicates that, although spending for social assistance is highly redistributive, the greatest redistributive effects from public spending are associated with the scope of fundamental social policies. This is evident when comparing different types of expenses. The spending with the greatest coverage, such as primary education and increasingly, secondary education, as well as for public health, is progressive. Those with mid-range coverage, such as housing and sanitation, are also slightly progressive. On the contrary, those services that reach only a small proportion of the population, such as higher education and social security, are regressive (although in general somewhat less regressive than the distribution of primary income) (see Figure 5.7 and ECLAC, 2008). The relationship between how progressive the spending is and the degree of coverage makes *marginal* expenses, oriented toward expanding coverage of established services, highly progressive, perhaps even more than social assistance programs.

[79]See ECLAC, 2000 and Ocampo, 2008.

FIGURE 5.7

Redistributive effect of social spending in Latin America (2000-2002)

A. Redistributive effect of social spending (2000)



B. Redistributive effect of social spending (2002)

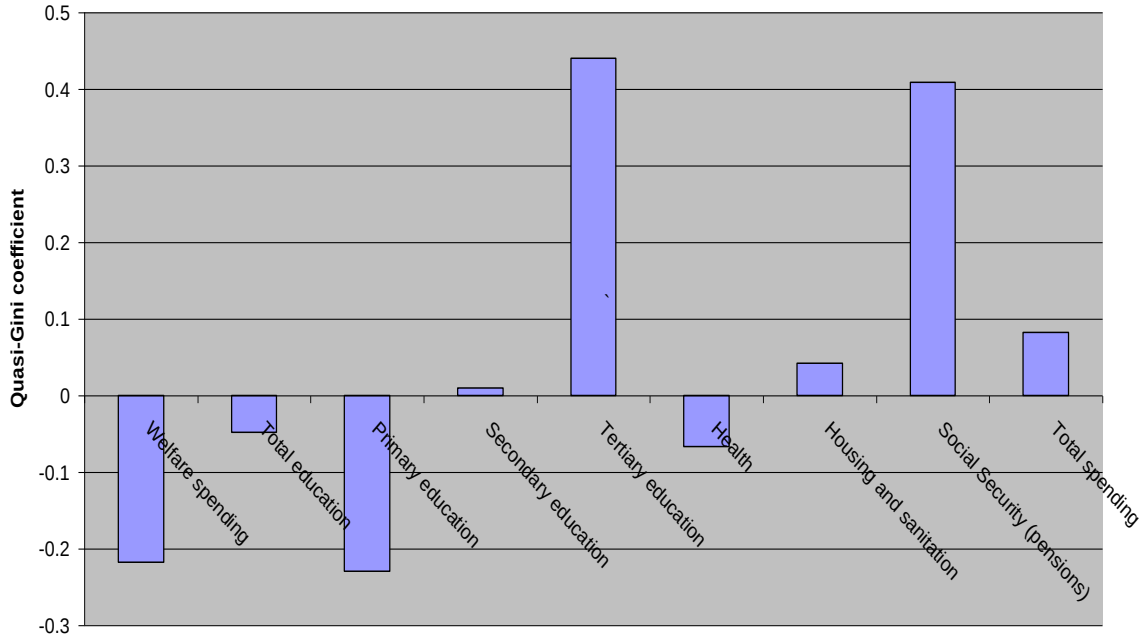


FIGURE 5.7 (continued)

Redistributive effect of social spending in Latin America (2000-2002)

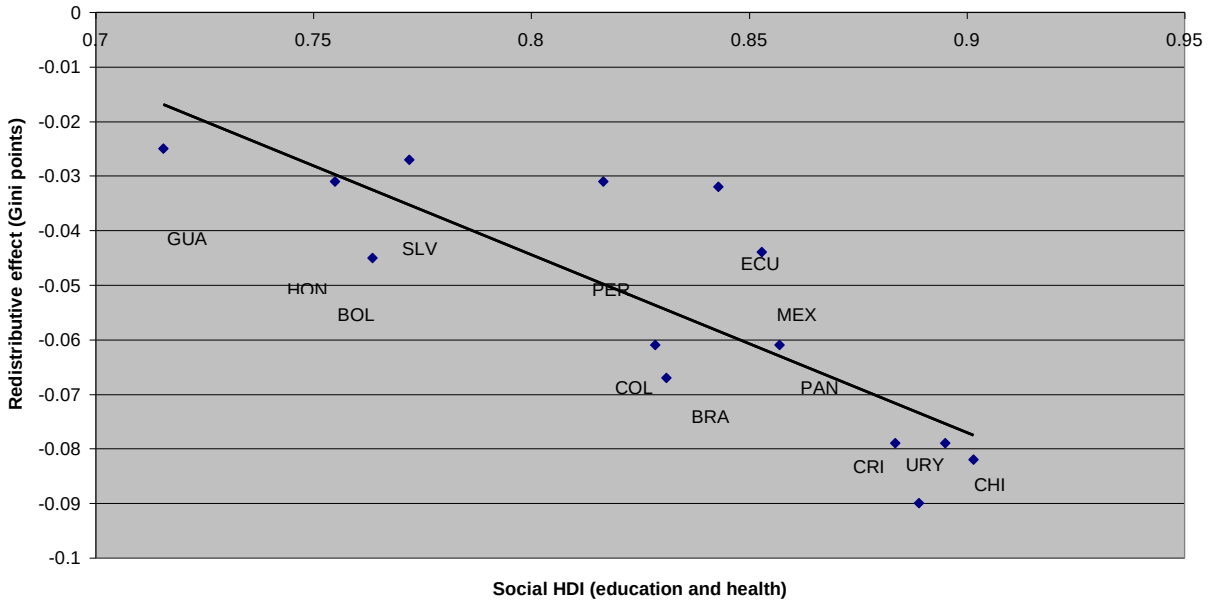
Note: The quasi-Gini coefficient is also a measure of inequality in the distribution of public spending among income receivers. It ranges from -1 to 1 (rather than from 0 to 1, as in the regular index). A 0 indicates that public spending is evenly distributed among the entire population. A positive number indicates greater inequality (the higher income receivers are also the greatest receivers of public spending). A negative number indicates lower inequality (public spending benefits proportionally more the lower-income sectors).

Sources: A. CEPAL (2006b). Panorama Social de América Latina 2004, Santiago: CEPAL, B.CEPAL (2007), Panorama Social de América Latina 2007, Santiago: CEPAL, versión preliminar, noviembre. Cuadros II.16 a 19.

Moreover, since spending for social assistance tends to be smaller than that for basic services such as education, health, and social security, greater progressiveness in social public spending is associated with the general scope of the welfare system. This is corroborated in Figure 5.8, which shows the relationship between the redistributive effect of total social spending in different countries (calculated as Gini coefficient points) and UNDP's Human Development Index, but taking into account only the education and health components of that Index (i.e., excluding the GDP per capita) to capture the degree of coverage by these two basic social services. The first of these variables includes the impact of targeting plus the magnitude of social spending. The two factors reinforce each other, since spending tends to be higher when systems are really universal and, therefore, also meet the basic criterion of targeting strategies, which is 'reaching the poor'.

FIGURE 5.8

Relationship between the distributive effect of social spending and the social human development index in Latin America



Note: The vertical axis indicates the reduction in the Gini coefficient associated with public spending. Therefore, the more negative the number, the greater the redistributive effect of public spending.

Sources: UNDP, 2007, Human Development Report 2007/2009, New York and Madrid, UNDP and Grupo Mundi-Prensa, Statistical Attachment, chart 1.

The greatest 'redistribution' through social spending has been achieved in the countries of the Southern Cone and Costa Rica, which are also the ones with the highest levels of coverage by basic services. It is the opposite, however, in other Central American countries and in Bolivia, where the redistributive effect of social spending coincides with low coverage by social services. The same figure shows that countries with intermediate development of social policies – Brazil, Colombia, and Panama – also have intermediate redistributive impacts for social spending. At intermediate levels of human development, however, the redistributive impact of social policies tends to be more limited in Ecuador, Mexico, and Peru.

The basic implication of this analysis is that the priority of social policy must be to provide services that can in fact be made universal. The scope of the benefits that meet this criterion will depend on the level of development each country attains. These benefits and their scope must be decided by democratic elections. In fact, this may be considered one of the most important decisions that all democracies must make. The political system must also decide how to organize and fund the corresponding services.

One issue that has received little attention in these debates is the segmentation of social service provision. The problems of segmenting the social welfare systems in this region include the fact

that access to certain social services is tied to a person's/family's income or formal employment. For this reason, active use of public finance as a redistributive mechanism is an essential part of the solution. It's also essential to be able to finance access to social benefits for people working under precarious conditions, as in the urban informal sector and small farming. In other words, to achieve the aims of universalization, it is essential to separate social benefits from specific modalities of employment.

Designing sound public finances is crucial, therefore, not only to build State capacity but also to enforce the principles of social citizenship. Strengthening the tax structure, then, is a fundamental element of the fiscal arrangements necessary in order to move toward a more universal, solid, holistic social policy.

The task of extending social benefits to those sectors of the population working under more precarious conditions is part of a broader policy to "formalize the informal", i.e., to enable informal sector workers and their families to have social benefits equivalent to those of the formal sector (see Box 5.5). It also entails creating opportunities for informal workers and self-employed workers to access the productive assets they need (land, capital, technology, business and technological training) to improve their productivity, an issue that has gotten on the public agenda in many countries of the region.

BOX 5.5

Social protection and informal work

Governments need to recognize that few citizens have the good fortune to spend the entire cycle of their active life in a stable, sheltered job, fulfilling the demands of public social security systems. Quite the contrary, the great majority obtain their well-being on the informal job market, or contribute to their families' well-being without having wage-earning jobs.

Source: Andras Uthoff, Democracia, ciudadanía y seguridad social en América Latina [Democracy, citizenship and social security in Latin America]. Document prepared for this project.

This covers just one dimension of the agenda regarding the world of work, though. One challenge that is even more important is to generate formal employment that meets the requirements of "decent work". This would mean productive jobs providing a decent income, job stability, and social protection for workers and their families with freedom to organize and participate in decision-making that affects workers through social dialogue. As we saw in Chapter 2, this is one of the greatest social deficits of the democratic period. Despite improvement during the 2003-2008 economic boom, employment conditions have undergone long-term deterioration in most Latin American countries in terms of quality and access to social security.

Further, due to the flaws in markets through which social services are provided, participation by multiple providers may end up creating very segmented systems in which some providers tend to specialize in wealthier sectors and others in lower-income sectors, often offering the latter lower-quality services. This would seem to be illustrated by the experience with demand-side subsidies in educational systems in both industrialized countries (United States) and Latin American countries (Chile).

This also seems to be the history of health systems when there are multiple providers. This implies that one virtue of public provider systems is that they serve as mechanisms for social leveling. It also implies that, when choosing to design systems involving multiple agents in providing social services, one of the essential roles for State regulation is to prevent segmenting of those services, especially between high-income and low-income users.

Obviously, universalization does not eliminate the possibility of using targeting mechanisms as long as they are viewed as complementary to, and subsidiary to, the basic universal social policy grounded in principles of citizenship. This includes highly redistributive social assistance programs, such as conditioned subsidies, nutrition programs, and pensions for indigent elderly persons. However, these programs must aim to extend their benefits to all beneficiaries who meet the targeting criteria. Since such programs are subsidiary to the basic social policy, they must be integrated into it as much as possible, as happens in the welfare systems of industrialized countries. It is also possible to leverage targeted programs to ensure that the public uses universal services, as now happens with several programs of conditioned subsidies. Targeting may also be useful in adapting programs with specific characteristics for certain social groups, such as indigenous people.

STAKEHOLDER VIEWS AND POSITIONS 5.2

"Bolivia is one of the countries with the highest inequality and inequity in the distribution of wealth and income. […] It has an inequitable, discriminatory society, with colonial referents for behavior by un-solidary, indifferent, indolent elites, remote from the reality of society as a whole. This is expressed in cultural behaviors, not just economic behaviors."
Senator from Bolivia 3, 10/03/10.

"The link between political democracy and economic and social democracy cannot be ignored." High-level official of the Executive Branch of Brazil, 26/04/10.

"The causal order of inequalities is complex. From the beginning, in Latin America there have been political institutions designed to maintain an unequal status quo: they are the cause and not only the consequence of inequality. Politics is an instrument to reduce inequality."
International civil servant in Colombia, 17/02/10; paraphrased.

"Those who receive support from social programs must not be only beneficiaries but also active citizens. This is why it is important to avoid discretionality. […] A person must know what he or she is entitled to, and also be the agent of their own development. This is why it is important for social programs to demand citizens' co-responsibility. This is fundamental, first of all, to ensure fulfillment of the program's goals. But it is also fundamental from the viewpoint of citizenship. Insofar as the requirements for obtaining it are met, one is in a position to demand the benefit without discrimination or preferences."
Under-secretary of the Executive Branch of Mexico, 22/03/10; paraphrased.

"In social integration, there is a trade-off between universality and effectiveness. We want an effective citizenship democracy: we don't want the rights written up beautifully, consecrated in the Constitution and in the laws, but finally not enforced because there are no instruments to enforce them. There are experiences – in practice, not just in principle – in targeting, in universalizing parameters of social security gradually and progressively, which are worth evaluating, even if they clash with our universalistic aspirations."
Ex-presidential advisor from Chile, 26/04/10.

"We used to think that everything would be achieved through education, that it could solve everything, even economic problems that had nothing to do with it; then we fell to the opposite extreme, as if education didn't matter. […] Now we have found a balance, in which access to education matters, but also the quality of the education to which one has access. For example, we are trying to get broadband to every school in the country."
Minister of the Executive Branch of Brazil, 27/04/10.

"Education no longer plays that role as a social leveler. […] Education has always been called upon to play that role, but how much equality is necessary for education to play a leveling role? In 2002, 65.66% of Latin Americans were poor or extremely poor; what do you think that schooling can do? […] Schooling has to tell society how much social equality is necessary for schooling to play a role of equity. To put it another way: if we have a labor market that is 50% informal, what are we going to ask of education: to make them all engineers? […] The segmenting, discriminating, fragmenting hurricane cannot be confronted with an educational breeze."
Senator, scholar and ex-official from Argentina, 27/04/10.

Public security

Deserting public mechanisms for justice and security: The loss of State capacity to enforce the law has led to a growing tendency for Latin Americans to give up on public justice and security mechanisms. This takes many forms, such as a hesitance to report crimes or the proliferation of private security companies with insufficient legal framework or State supervision, all enshrining a kind of modern day vigilantism as the way to fight crime.

Penetration by organized crime, particularly drug trafficking: Despite attempts to eradicate illegal crops and eliminate drug trafficking, Latin America is the world's main producer of cocaine, and its share in opiate and synthetic drugs is increasing. As producers, transit sites, money laundering havens, and access points for the US market or consumer markets, Latin American countries are heavily involved in an illegal trade mobilizing tens of trillions of dollars every year. This immense flow of resources has transformed the reality of security in the region, exposing police, military, judicial and political institutions to unprecedented corruption with a dramatic increase in violent crime.

Therefore, we feel that three questions frame this debate:

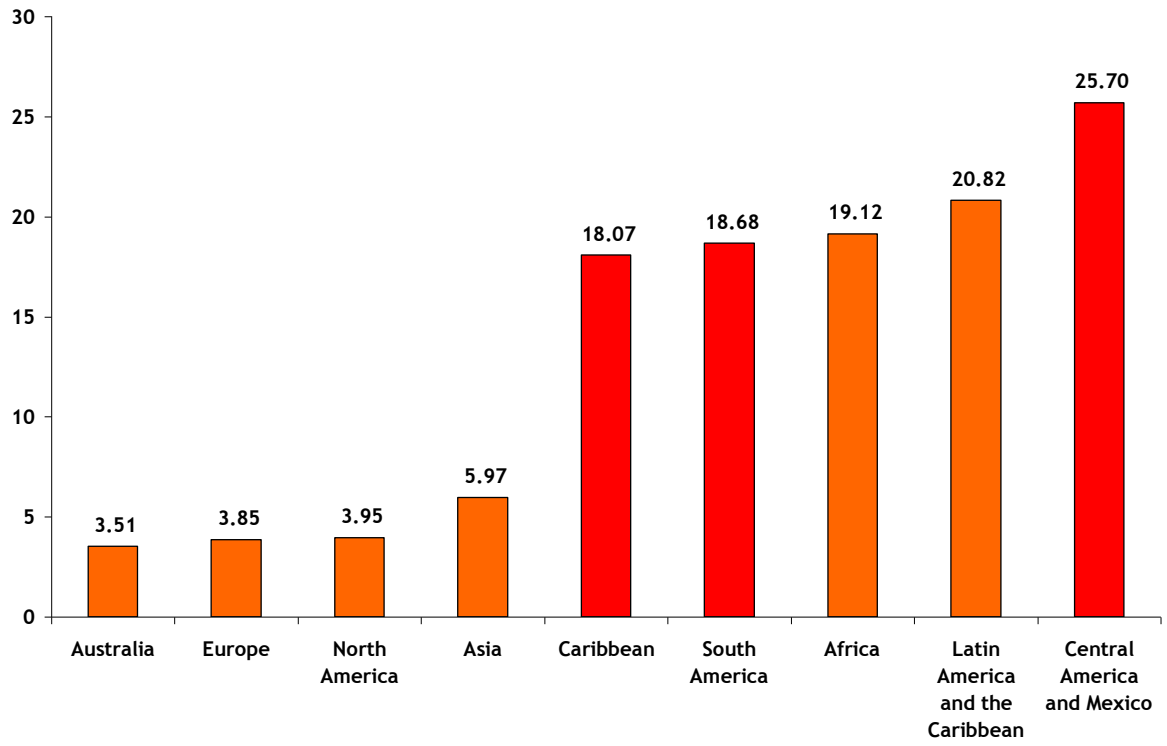
- How to address the growing resources and capacities of organized crime and its infiltration of Latin American governments?
- What policies are most effective at reducing illegal trade and high murder rates AND are in compliance with democratic rule of law?
- What options are available between "extreme respect for individual rights" and "getting tough" – that is, security policy that works and also respects human rights?

State and public security: how to face citizen insecurity effectively in a democracy

Latin America has one of the world's highest levels of violent crime and every year approximately 200 million people from Latin America and the Caribbean – one-third of the region's total population – are victims or have a family member who has been a victim of some criminal act (see Figure 5.9).[80] Murders are clearly the most acute, visible consequence of this problem. Twenty-seven percent of the criminal homicides that happen in the world take place in Latin America even though the region represents barely 8.5% of the world's population. Over the last 10 years, over 1.2 million Latin Americans have lost their lives in violence, much of it related to transnational crime.[81]

[80] Latinobarómetro, 2008.
[81] WHO, 2002. See K. Casas, 2009.

FIGURE 5.9
Rate of criminal homicides per 100,000 inhabitants



Source: Prepared by the authors on the basis of data from the United Nations Office Against Drugs and Crime, International Homicide Statistics, 2004.

However, regional data on murders in Latin America reflect significant heterogeneity. El Salvador, Guatemala, Honduras, and Venezuela have the world's highest rates and Chile, Bolivia, Argentina, Peru, and Uruguay have relatively low rates.

The proportion of households in which some member has been a victim of some criminal act during the previous year is over 25% in almost all Latin American countries and is at or over 50% of households in some countries.[82] In addition, there is a wide range of other acts of violence the magnitude of which can only be estimated. Estimates of gang membership range from 50,000 to 350,000.[83] These gangs, known as *maras*, drive up levels of violence and organized crime (see Box 5.6). Moreover, about over 50% of kidnappings to extort ransom worldwide occur in Latin America.

[82]La tinobarómetro, 2008.
[83]USAID, 2006.

BOX 5.6

Crime and territory in a Central American nation

The police estimate that most homicides are related to the activity of the so-called maras, who not only defy each other to death over territorial rivalries, but also murder a large number of victims because they do not pay taxes or fees for the extortion that they impose on public urban transport and on businesses located in the poor neighborhoods. Last year, several schools in dangerous neighborhoods had to close because the maras were charging each teacher a fee to let them teach class.

Source: J. Dalton, "Ola de asesinatos en El Salvador" [Wave of murders in El Salvador], El País, 16 September 2009.

In 2008, 17% of the Latin American population named crime as their country's main problem, the highest figure among all the problems that surveys asked about. Territorial issues are essential to understanding the specific nature of this violence and, therefore, essential to designing security policies. In this region there are multiple criminal organizations that control geographic zones, which they defend from competitors while extorting money from residents under the guise of "protection." For residents of these territories, located in some cases right in the heart of major cities, violence, drugs, and weapons are a part of daily life (see Box 5.7).

In these areas, the deficit in State presence is extreme. Security forces sometimes even collude with organized crime, or in others they have been directly expelled. On occasion, to dismantle drug points of sale or confiscate weapons and narcotics, the police perform military-style operations, with citizens caught in the crossfire. Here, torture and extrajudicial executions are not uncommon.

But in all cases, impunity reigns and the overall inefficient, ineffective State presence translates to insecurity, corruption, murdered police, and human rights violations.

BOX 5.7

Security and the lack of State presence

Neighbors tell how, in broad daylight, it was common to cross the narrow alleys with whiskerless kids, drugged and armed to the teeth with AK-47 and AR-15 assault rifles, hunting shotguns slung on their shoulders, the butts of high-caliber pistols peeking over the elastic of their sweat pants... These were daily images that were as normal as the sunrise every day. Drug traffic set itself up, over 45 years, as the de facto power that replaced the State, imposed its own doctrine and enforced its own laws.

The atmosphere of generalized panic was topped off by the men from the elite civilian and military police forces. [...] Every so often, they would occupy the slum streets to dismantle the drug points of sale, confiscate weapons and drugs, arrest the drug lords dead or alive and then depart, leaving the place to its fortunes.

It was a reality assumed by everyone that these brutal operations could produce collateral victims with astonishing ease: the cross-fire with weaponry of war in the meanders of a shanty-town, where the population density is quite high and the walls of their hovels have no more resistance than a single brick, almost always took innocent lives. It was so extreme that neighbors didn't know who to fear more, the tyranny of the drug gangs or the police interventions. And many preferred the former.

Source: B. Francho, "Ciudad de Dios, Por fin en paz" [Ciudad de Dios neighborhood, at peace at last], El País, 17 September 2009.

This is most common in poor neighborhoods where social exclusion is suffered by children and youth, who grow up without any expectations or opportunities and live with daily violence. Without the power or resources that other social groups have to transform their realities, the victims do not attract media attention and don't make it onto national policy agendas.

The lack of security and its social, economic, and political implications cannot be understood without understanding, again, the extensive penetration of organized crime, in particular drug trafficking, into public life. Despite intense efforts to reduce illegal crops and eliminate drug trafficking, this region remains the world's main producer of marijuana and cocaine, and production of opiates and synthetic drugs is increasing significantly.[84] As drug producers, transit sites, and markets for money laundering, access points for the US market or significant consumer markets in their own right, every Latin American country could be said to be involved in illegal trade.

This immense flow of resources and the sophistication of the criminal networks supporting them – networks that bankroll other modalities of organized crime – have drastically transformed the region's political and security reality. In a few cases, such as Colombia and Peru, drug trafficking has played a decisive role in funding and prolonging domestic armed conflicts. More generally, it has exposed police, military, judicial, and political institutions to unprecedented corruption while driving a dramatic increase in violent crime. The Caribbean basin, a stopover in all routes taking drugs from South America to the United States, currently has the world's

[84]Latin American Commission on Drugs and Democracy, 2009. Drogas y democracia: hacia un cambio de paradigma [Drugs and Democracy: changing the paradigm]. Rio de Janeiro: Comisión Latinoamericana sobre Drogas y Democracia. Available at: <http://www.drogasedemocracia.org>.

highest murder rates and according to data from the Mexican Attorney General, almost half the murders in that country during 2008 were directly linked to drug trafficking.[85]

The relationship between citizen insecurity and democracy

Crime of this magnitude clearly has considerable political repercussions and there are three elements of the problem that merit particular attention. **First, citizen insecurity and fear cause a breakdown in support for democratic institutions and allow the resurgence of authoritarianism, which already has deep roots in the region's political culture.** Recent research has in fact shown that individuals' support for democracy as a system of government has been seriously undermined by a perception of high insecurity and a shift in public opinion where people evaluate government performance on crime rather than by whether or not they (individuals) have actually having been the victim of a criminal act.[86] Other research in Guatemala, El Salvador, and Costa Rica has also shown a systematic drop in support for the main political and governmental institutions when persons have been victims of some act of violence.[87]

Crime is also the issue most likely to lead the population to justify a *coup d'état*. Almost half the population in the region (47.6%) say they would be willing to tolerate a step back to authoritarianism to cope with problems of citizen insecurity, more than for any other challenging problem in society.[88] And this figure is even higher in the countries of northern Central America.

Second, where homicides are high and where armed guerrillas or drug trafficking organizations are numerous, police forces and increasingly the armed forces tend to take on a kind of autonomy from civilian, democratic authorities. The increasing role of security forces also exposes them, as well as other State bodies responsible for public order and justice, to infiltration by powerful stakeholders in organized crime. This makes it more difficult to control the armed forces and threatens repression by "democratic" authorities.

Third is the weakening of the State and its legality. The consequences of losing State capacity to enforce the law are many. One is the increasing trend among citizens in some countries to give up on public security and justice mechanisms, because it is deemed useless or counterproductive to turn to them. This can take various forms, ranging from hesitance to report crimes, to retreating to private neighborhoods and proliferating private security companies, all the way to "taking justice into our own hands" (private revenge) as a last resort.

As a result, there is a complex relationship between efforts to reduce citizen insecurity – a concept central to civil citizenship – and defending other civil rights. Responses by the State – something citizens rightly demand and which is becoming quite prominent in the mass media, can also lead to violations of criminals' civil rights too, and in extreme cases can include torture and extrajudicial executions. In these cases, then, defense of certain rights, such as right to

[85]National Human Rights Commission of Mexico (2008) *Segundo Informe Especial de la Comisión Nacional de los Derechos Humanos – Sobre el ejercicio efectivo del derecho fundamental a la seguridad pública en nuestro país* [Second Special Report by the National Human Rights Commission - Regarding effective exercise of the fundamental right to public security in our country]. Available at www.cndh.org.mx.
[86]Cruz, 2008.
[87]Seligson and Azpuru, 2001.
[88]Cruz, 2008.

security, clashes with the defense of other rights, such as the human rights of criminal suspects, a situation showing how difficult it is to create policy conducive to civil citizenship.

The OAS "Report on Public Security in the Americas" found that "Citizen Insecurity is not only one of the central threats to civilized, peaceful coexistence, but also a challenge for consolidating democracy and rule of law".[89]

Neither is the relationship between citizen insecurity and democracy one-way or limited to the repercussions that the former may have on the latter. Citizen insecurity is also the outgrowth of multiple shortcomings in exercise of social and political rights for a significant segment of Latin America's population.

Thus there is a clear, empirical relationship between citizen insecurity and socio-economic inequality. Further, criminal violence in Latin America is related to another explosive social situation: lack of opportunity for youth.

The economic costs of citizen insecurity

In addition to the immense human and political costs of Latin America's epidemic of violence, there are the economic costs, including, among others, reduced life spans and deterioration in people's health, health care costs for victims of violence, public spending on public security, private spending on goods and services for personal protection, additional costs for private investment, and the less intangible aspects, such as deteriorating quality of life due to fear. The magnitude of some of these phenomena can scarcely be estimated.

Past estimates have put the economic impact of criminal violence in Latin America at 12.1% of the GDP, representing some $250 billion (Londoño, 2000). A more recent exercise limited to Central America put that figure at 7.7% for the group of countries surveyed with major variations, from 3.6% Costa Rica to 10.8% in El Salvador.[90]

One of the most important categories in all current estimates is deteriorating health and, in particular, the economic cost of interrupting productive lives. In the Central America estimate, the health-related costs were over half the total (3.9% of out of the total of 7.7% of GDP).[91] This is not surprising considering that more than half of the lives lost to crime in Latin America during this decade were men aged 15 to 29 in the prime of their productive and reproductive lives.[92]

Also important is what people and companies pay for security services in the region. In Central America this is 1.5% of GDP, which is more than governments spend on average on public security and justice functions (1.3%).[93] Individuals and businesses in Latin America spend about $6.5 billion a year on private security, almost half of this in Brazil, and this amount has grown at over 8% per year recently.[94]

[89]OAS, 2008.
[90]UNDP, 2006.
[91]Acevedo, 2008.
[92]WHO, 2002.
[93]Acevedo, 2008.
[94]Dammert, 2008.

The tragic dimension of these figures is revealed by an astonishing finding in Costa Rica: public cost to keep the average murderer in prison is more than the cost to educate one student from pre-school through university as a doctor or lawyer.[95]

Public security: which way to go?

The high levels of citizen insecurity are a clear risk to the quality and even the stability of democracy in the region. A democracy that is unable to ensure day-to-day exercise of the elementary rights – life, physical safety, and the enjoyment of one's property – is offering a kind of short-changed citizenship. **A democracy that is unable to ensure full exercise of social and economic rights, meanwhile, ends up creating conditions favoring violence.**

Breaking out of this complex cycle requires moving beyond the current discussion on security in the region, which has tended increasingly toward election-time promises of "getting tough" with plentiful, intensive use of the State's coercive mechanisms and less patience for the rule of law.

The results of 'getting-tough' have not been impressive, however. In the best cases (not necessarily the most frequent), these programs solve problems with today's criminals but not 'tomorrow's criminals'. They don't address social prevention and a deepening commitment to human development, however, and here a brief look at the data may give some perspective: the top 30 countries on UNDP's Human Development Index list an average homicide rate of 1.58 per 100,000 inhabitants. Only one of them, the United States, has a homicide rate higher than 3 per 100,000 inhabitants.[96]

Social prevention efforts must be instituted urgently, recognizing that the use of coercion, under the rule of law, is an unavoidable instrument in the fight against crime, particularly organized crime. It is crucial to understand that no matter how effective it may be in the long term, social prevention is not enough by itself to face the political challenge of the intense fear affecting Latin American societies.

The most effective way to fight crime is not repression, however, but inclusion and requiring security forces to provide greater accountability, although it will always be necessary to strengthen the police. Successfully confronting public security problems in Latin America will require, therefore, an integrated effort that includes reform of the police, modern technology and information systems in the public decision-making process, improved judicial processes, strengthening social ties and community organizations, and increased investment in education, public health, housing, and opportunities for youth.

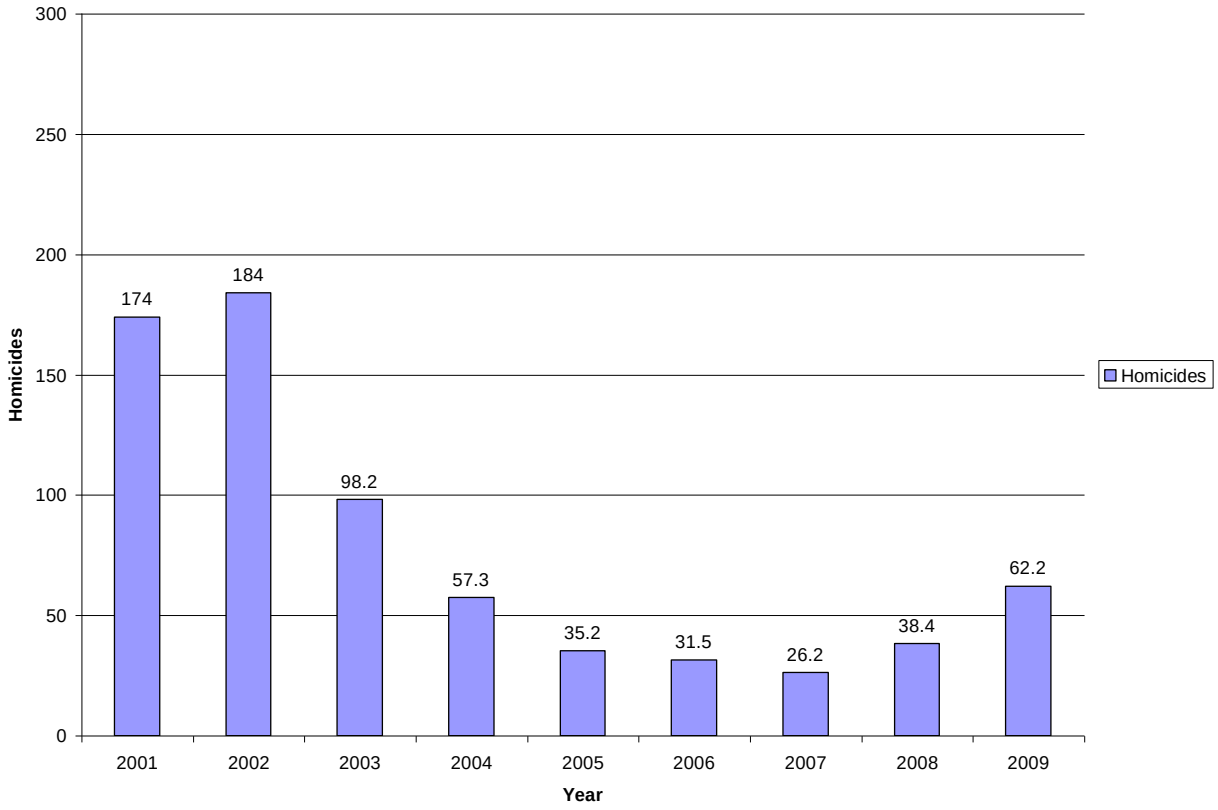
There is proof that crime rates will drop with increased confidence in the police, improved community dispute resolution procedures, recovery of public spaces, incorporation of organized civil society into the process of designing and implementing public security policies, and greater accountability to the community for local governments and the police.

Official statistics for Medellín, Colombia, show a 94% drop in homicides since that city's historical peak in violence 16 years ago (see Figure 5.10). This success is due partly to a

[95]UNDP, 2006.
[96]UNDP, 2007.

program designed to directly attack the social causes of crime, to restore trust in the police, and to strengthen community relations.

FIGURE 5.10
Homicides per 100 thousand inhabitants in Medellin - Colombia (2001-2009)



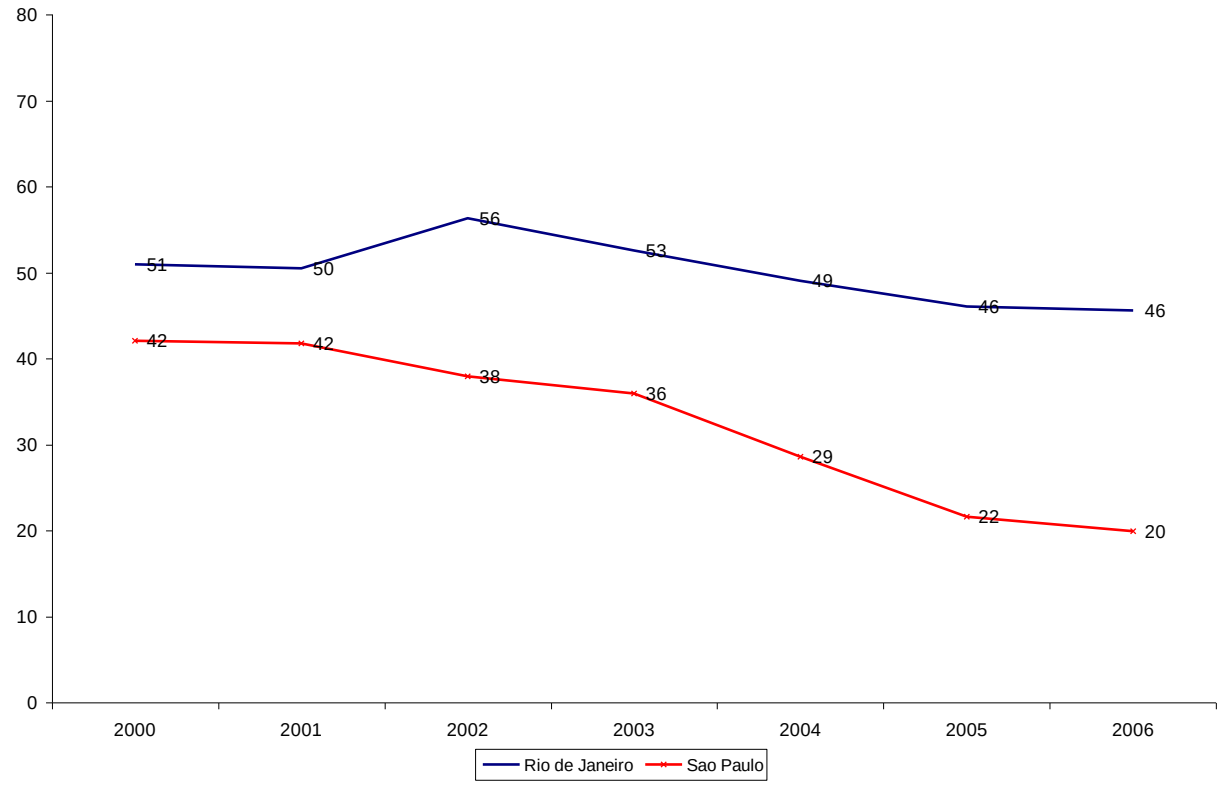
Source: Secretariat of the Government of Medellin, 2001-2009.

Over the past seven years Sao Paulo, Brazil, has also experienced a significant reduction in homicides demonstrating that systematic policies of public security can have a positive effect when, rather than be purely repressive, they combine improvements in the capacity and investigative skills of the police with programs addressing the social roots of violence. **The experience of Sao Paulo also shows that one of the benefits of this type of improvement in police activity is to reduce both crime and police violence, two goals that, in the minds of many people and many policy-makers, normally contradict each other.**

According to data from Brazil's "Information System on Mortality", an initial sharp increase in violent deaths in Sao Paulo was followed by a decrease in the years afterwards, from 43.2 cases per 100,000 inhabitants in 1999 to 22 per 100,000 in 2005. This brought the rate of death by violent crime under Brazil's national average (26.3 per 100,000) thereby reversing a trend that had been clearly rising since 1980 (see Figure 5.11).

FIGURE 5.11

Homicides per 100 thousand inhabitants in Rio de Janeiro and Sao Paulo - Brazil (2000-2006)



Source: Ministry of Health / DATASUS, Ministry of Justice, National Secretariat of Public Security, State Secretariats of Public Security.

One frequent argument for the recent decrease in Sao Paulo homicides specifically involves the reform and strategic planning done in the past decade by the Secretariat for Public Security. These measures included expanding the Homicide and Personal Protection Department (DHPP) and creating the Technical and Scientific Police Superintendence. Jailing serial killers was emphasized, clearly delimiting the jurisdictions of the different police agencies and giving community participation a greater role in the prevention process.

Better coordination between the federal government and Sao Paulo's authorities also improved police and judicial performance as well as the handling of funds for public security. Specific measures implemented included:

- strategic planning and ongoing evaluation of the results
- modernizing and expanding communication systems
- creating a center to handle information regarding security
- setting up practices of police transparency and accountability to improve their performance on human rights
- establishing operational protocols for the military police
- creating community police for prevention
- ongoing professional training for police and military staff on how to deal with the public

- increased external mechanisms for police supervision to enable the community to participate more
- increased in local government spending for public security from 6.6% to 10%

In all cases, successful policies have been designed comprehensively to adapt to the realities of each setting, involving local governments, national authorities, civil society, and communities working in a new spirit of organization. Emphasis has also been placed on sensitizing security bodies while creating new mechanisms to ensure transparency and to prevent abuse. In all these cases the State has focused on recovering territories that had been 'abandoned' by government, strengthening policy emphasis on social services and the role of police close at hand, to keep gangs and drug traffickers out.

The fight against drug trafficking and organized crime

Drug trafficking and organized crime pose a fundamental challenge to the Democracy of Citizenship and the 'well-being society' in Latin America. Organized crime has thrived because institutions are weak, not only police, prosecutors, and judges, but also the institutional structure of the rule of law[97], such as supreme courts and constitutional tribunals.

Political processes for legislative bodies and political parties are also weak and these bodies have not reacted sufficiently to infiltration by organized crime. This is partly explained by the high cost of political campaigns in the region compared with other countries, even European campaigns. Politics is mortgaged to the millions spent on electoral campaigns, affecting or threatening democracy. The violence grows, meanwhile, driven by competition among crime syndicates to control international drug routes and local markets. They also battle for control of human trafficking, prostitution, child pornography, piracy, vehicle theft, illegal adoption, sale of stolen automotive parts, kidnapping, and extortion with all the attendant injuries, murders, and disappeared persons. In some cases, these phenomena are also related to illicit handling of contracts for public works and provision of public or private services. In Mexico, Guatemala, El Salvador, Honduras, Colombia, parts of Venezuela, and parts of Brazil, the violence permitted by weak institutions is also linked to money laundering[98].

Government institutions to investigate and prosecute crime, such as police, prosecutors, and crime research agencies, as well as judges and magistrates, have not kept up pace despite judicial reforms, and some have even been infiltrated. The violence that has broken out in the last five years in Mexico is a combination of weakness, corruption, and infiltration of police forces and government prosecutors by organized crime. Colombia has also experienced the same.

Opportunities for youth in Central America are scant, meanwhile, with little access to educational or social services and no ability to get that access and policies to stamp out gang activity have, again, proven ineffective. This phenomenon clearly goes beyond just stopping gangs, therefore, and requires social integration as mentioned in the preceding sections (see Chart 3.15 regarding the large number of youth excluded from educational systems). From this

[97]See the study on "Crime and Development in Central America" UNODC, 2007, p. 14. Other sectors of the judicial system are facing administrative and funding problems. In many countries of the region there is a popular belief that judges are subject to financial or political influence. The police's lack of capacity to catch criminals and get them prosecuted results in a very low rate of convictions in some settings.
[98]See UNODC (2007).

perspective, as long as societies fail to incorporate these youth and give them a choice, and until this work is meaningfully funded, no significant changes will occur.

Seeking a solution in international cooperation

One major initiative to improve security is the United Nations Convention against Transnational Organized Crime (UNCTOC). This convention seeks to both fight violence with penalties and to prevent crime through social means, with information exchange among States. The Inter-American Commission to Control Drug Abuse (CIDAD) also agreed in May 2010 on a hemispheric strategy that calls for research into, and processing of, crimes related to drug trafficking and organized crime, and which police agents, government prosecutors, and professionally trained judges are required, with guarantees un-related to crime.[99] This same convention provides for fighting corruption, obstruction of justice and laundering of assets in all their forms, as well as dismantling of criminal enterprises. There have also been efforts in public health to prevent of drug use and to treat addicts.

Above all, though, there must be a vigorous political and diplomatic dimension to this effort because trans-national crime is bigger than any one nation and therefore demands a genuine hemispheric and even world dialogue. It must foster a profound review of drug policy in the world's main consumer market, the United States, which has so far focused almost exclusively on controlling the supply by repressive mechanisms. The implications of this approach for the hemisphere have been, in general, profoundly negative.

Rather, for both Latin America and the Western Hemisphere in general to make substantial headway in the fight against drug trafficking, we need to *abolish prohibitions against thinking of alternative public policies* more oriented toward reducing demand and mitigating the damage caused by drugs. This would then complement the necessary, controlled use of State coercion.[100]

Countries in the region have yet to attain many of the goals set by consensus in hemispheric and international fora about fighting drug trafficking partly because political will is lacking and partly because civil society has never had the capacity to bring about change. Some countries have had better results than others in applying the UNCDOT, such as Colombia, which has substantially improved its indicators. Other countries are beginning to show improvement too, such as Guatemala with the creation of the International Commission Against Impunity in Guatemala (CICIG). Yet other countries, such as Mexico, have grown steadily worse.

It is clear that unless we view organized crime as a serious obstacle to better democracy and well-being, and until agreements are made to enforce rule of law, security will remain one of the main obstacles to development in Latin America. This is clearly a problem concerning the judiciary, although there is increasing evidence that it is branching out to affect all sectors of society.

Finally, strengthening a broad hemispheric dialogue about anti-drug policies is essential to improve security and reduce the risks that crime poses to the region's democratic systems.

[99] Regarding the strategy agreed upon by the Member Countries of CICAD, see http://www.cicad.oas.org/es/Basicdocuments/strategy-2010.asp.

[100] See, in particular, Brookings Institution, 2008.

STAKEHOLDER VIEWS AND POSITIONS 5.3

"Today there is more fear in the population than during the armed conflict."
Representative of a political party in Guatemala, 10/11/09.

"The problem of crime has a genesis that is not questioned; we are limited to fighting its effects."
Representative of a CSO 2 from El Salvador, 18/03/10; paraphrased.

"Citizen security is linked not only to police protection for the citizenry; it has a series of holistic components. It is linked to narrowing the gaps of inequality, to resolving structural problems, to democratization and participation, to enforcing individual and collective rights, to integrated development."
Minister of the Executive Branch 2 from Bolivia, 9/03/10.

"The populism of punishment is advancing: offering security in exchange for giving up rights. The answer is not getting the institutions of democracy working, but very dangerous areas in which the State gives up power. This even takes us from administering justice to administering vengeance. Human rights are viewed as an obstacle, or as a luxury we cannot afford. This equation is a major risk for democracy."
Mexican expert on human rights, 22/03/10; paraphrased.

"Comparing 'getting tough' and 'extreme guaranteeing of rights' is a fundamental theoretical error: guarantees, public freedoms and fundamental rights are an achievement of our civilization; locating them at the other extreme from getting tough is a very important philosophical mistake. Guaranteeing rights is not a burden or a bad word. It is a great leap forward by western civilization."
Scholar and ex politician from Costa Rica, 16/11/09.

"In the area of security, the central problem is the police themselves. We are one of the countries that have the highest proportion of police agents per capita. […] Neither police staffing nor resources are lacking; but our police are corrupt. Facing that, addressing that and taking political measures to change it is very hard. The political party that ventures to do this will be shredded to bits."
Political leader from Uruguay, 9/12/09.

"Security policy focuses on prosecuting criminals, relegating the problem of the administration of justice. Policies are implemented unilaterally, and then developed incompletely, addressing only one link of the chain. […] We need a State policy on security, setting forth what each of the stakeholders involved must do."
Mexican legislator 2, 22/03/10; paraphrased.

"All our countries make lots of laws every day; the problem lies in the lack of enforcement and in impunity, particularly in regard to crime and acts of corruption."
Representative of a CSO from the Dominican Republic, 17/11/09.

"Everyone is entitled to health, but it turns out that the health care system must give priority to a person who has been shot, over a person who has had a heart attack. Firefighters must first care for a person who was shot, before a woman who is delivering her baby. They have to give priority to addressing violence, and then they begin taking money away from other programs, for example from the HIV program. […] Kids who are about to graduate are killed suddenly by violence, and then all the investment the State made in those youth is automatically lost. And we lose productive labor force, and income for Guatemala."
Representative of a CSO from Guatemala 3, 10/11/09.

STAKEHOLDER VIEWS AND POSITIONS 5.3 (continued)

"A factor we cannot ignore is the growth of various facets of organized crime in the last decade, and its growing influence and participation not only in political activity in certain localities but also its infiltration in all of the country's structures. This can seriously affect the way that democracy is practiced in our country."
Businessman and foundation representative from Guatemala, 9/11/09.

"Organized crime is moving in on the political system and also on civil society. In some countries it is infiltrating the State and also intermediary organizations such as labor unions, rural organizations, etc., in some cases with very sophisticated methods, to distract the State's attention from its affairs. […] The growing sophistication of organized crime in its relationship with power, and not only with politics, requires further analysis."
International civil servant in Brazil, 26/04/1

"This mentality of fighting drug trafficking and organized crime endangers democracy. It harks back to Carl Schmitt's division of enemy versus friend, war and consequently militarization. And militarization implies catering to our military again."
Scholar and ex- politician from Costa Rica, 16/11/09.

"In involving the armed forces in domestic security, Colombia used to be unique; However, this trend is now spreading. This has fundamental effects on the operation of democratic institutions."
Ex-vice rector of a Colombian university, 16/02/10; paraphrased.

"In countless neighborhoods and cities in all our countries, there are people who can't leave home after a certain time at night, and who can't even enjoy their basic freedom of moving around within the country because of mafias' actions and organized crime. […] However, there is also great anomy in our peoples. I will ask you: What would happen in Sao Paulo, Rio or Buenos Aires if they told the citizens that the lights were going out and the police would be taken away for 48 hours? This happened to us in Concepción, a large city, when we had our earthquake, and we didn't like what we saw: […] we saw rioters looting – and not the same old criminals as always, or the hungry people, but also the middle class, even journalists who were covering the news, simply because no one was watching and because the lights were off. […] There was hoarding and speculation – in sum, an extreme individualism marking a contrast with the great solidarity that was also seen. […] What happened to us speaks of a certain attitude toward the State that we must pay more attention to."
Ex-presidential advisor from Chile, 26/04/10.

Epilogue

This book has raised some of the questions most often ignored in Latin America and has tried to find the keys to discussing the answers. It has also discussed issues that are covered in political debate but which are rarely agreed on, rarely resolved, and often dodged or ignored outright.

We began with the need to view democratization as an effort that must focus on its constituency: the women and men who face uncertainty and fear every day, particularly those who suffer poverty and marginalization in profoundly unequal, violent societies.

We spoke of citizenship democracy in the face of deep frustrations with democracy itself and we talked about the need to reform the State to better reflect the current trend of democratization, while keeping aware of the deficit in governance. We looked at ways to make institutions more solid so that they can rise above the region's crisis of representation. And we discussed fiscal policy, social integration, citizen security, and the difficulty of keeping them all within the bounds of democratic rule of law.

We propose change in Latin America on all these things, understanding that the main instruments of democratic social transformation – politics, political parties and the State – are viewed with skepticism by large sectors of society.

All of these issues are related in one way or another to power, the keystone of politics and, consequently, of democracy. Who holds power, why they have it, what they use it for? These questions are subtly, or explicitly, woven through these pages. After all, politics is about getting power, keeping it, and using it. Democracy adds the "how, and who to use it for".

There is the risk, however, that this book will be viewed as a prescription for "what ought to be", the abstract advice of observers who contribute nothing to actually making it happen. Still, we have to write the equation on the chalkboard to start solving it.

In that spirit, we have engaged in deep debates with social, political, and economic stakeholders from the region regarding what is *not* being discussed, much less solved. Interaction with over 850 respondents from almost every country in Latin America has helped us correct, add, and give substance to, many of our discussion topics.

In this debate it is essential to insist on moving forward in government consensus-building. The region has seen parties set up fronts for less-than-progressive forces before, concerned merely with getting their candidate elected or uniting only people who all thought the same. The challenge, then, is to create plural majorities that play by the rules of democracy, that share goals and core values, and that can come together not only to win an election but also to govern. They provide the continuity and power to change.

Except for rare instances, this has not been common in Latin America. In politics it has been easier to provoke confrontation than to reach agreement. This has made it a challenge to reach agreement among parties and build power for sustainable change. Part of that challenge lay in the fact that the work will not end with a brilliant idea or a masterful maneuver. It takes time and patience to reach essential outcomes, and when it happens it will not have been the work of a single president but of several generations who hold a shared vision and common aspirations, keeping their methods to attain them plural.

Democratic power is the only power capable of moving a society toward the transformations we have discussed and, above all, of governing for the majority. What possibilities for Latin America if the post-authoritarian era were to give way to the era of “State consensus for change”.

Finally, in emphasizing citizenship as the foundation of democratic change we have tried to pave the way for more in-depth assessment of democracy in the region. Both the OAS and UNDP are working to achieve regional consensus on evaluating the status of citizenship and we will continue to encourage political debate on access to power and creation of power, on how to attain office and on what power governs our Latin America.

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Alcántara, Sáez Manuel	The role and capacities of political parties in the post-transition scenario
Altman, David	1. Direct democracy and Crises of Representation in Post-Transición Latin America 2. Democratic institutions and public opinion in Latin America
Andersen, Martín	Indigenous peoples, democracy and revolution in the Fourth World
Apaza, Carmen R.	Another look at transparency: Civil society participation, changing perceptions
Arriagada, Genaro	Issues for an Agenda on Democracy in Latin America
Barbenza, Ezequiel	Impact of the International Financial Crisis on informal labor, poverty and inequality in Latin America and the Caribbean
Bresser-Pereira, Luiz Carlos	The State that is necessary for the democracy that is possible in Latin America
Brinks, Daniel	From legal poverty to participation in the legal system Enforcing the Rule of Law in Latin America
Caetano, Gerardo	Prospects, Democracy and Time: Some urgent notes for Latin America
Casas, Kevin	1. Democracy, citizen (in)security and human development in Latin America 2. Getting there on time: Notes on regulating political funding in Latin America
Castañeda, Jorge	Democratic transitions in Latin America
Colazo, Carmen	Women in Democracy. Headway and Setbacks for the Citizenry from a Gender Perspective
Cotler, Julio	New issues for the Latin American political agenda
Dammert, Lucia	Violence, Crime and Insecurity in Latin America: Challenges for democracy
Domingo, Pilar	The State versus the citizenry: judicial reform and accountability in Latin America
Fitoussi, Jean-Paul	Political economics, democratic economics
García-Villegas, Mauricio	State and reform in Latin America. A theoretical approach to institutional reforms in Latin America

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Godio, Julio	Reflections on the concept of the "Argentine political archipelago"
Gray-Molina, George	New Andean Constitutions, New State Tensions
Hakim, Peter	President Obama and Latin America
Hirst, Mónica	The security and defense agenda in South America. Its impact on democracy
Janine-Ribeiro, Renato	For a Democracy of Well-being in Latin America
Johnson, Joel W.	Strengthening Legislative Bodies in Latin America's Presidentialistic Democracies
Johnston, Michael	Another look at transparency: Civil society participation, changing perceptions
Inter-American Women's Commission	Why not say it? Gender inequality undermines democracy
Larrain, Fernando	Public policies and citizenship
Laureant, Eloi	Political economics, democratic economics
Lavagna, Roberto	Notes on structural issues and topics for the Agenda
Lavergne, Néstor	Characteristics of the post-transition scenario in Latin America
Luna, Juan Pablo	Democratic institutions and public opinion in Latin America
Munck, Gerardo	Citizenship in Latin America: Current status, trends and challenges
Ocampo, José Antonio	1. Economics and Equity: Achievements and shortfalls during the democratic phase Citizenship and social policy
Ominami, Carlos	For a US- Latin America Agenda. How to combine autonomy and cooperation
Oszlak, Oscar	Professionalization of civil service in Latin America: Impacts on the process of democratización
Pérez-Liñán, Aníbal	Institutional crises in the post-transition scenario: Beyond Executive-Legislative relations
Pion-Berlin, David	Civilian-military relations and post-transition democracies in Latin America
Piore, Michael	Labor inspectors as an instrument for economic growth, development and efficiency
Pousadela, Inés	1. Democracy, Elections and Political Parties in Latin America: Elements for a debate agenda 2. Gender and democracy: An assessment of post-transition cases
Przeworski, Adam	Representative institutions, political conflicts and public policies
Quijada, Alejandro	Political and fiscal cycles

Rodríguez, Jesús	Role of the Legislative Branch in budgeting during the democratic post-transition period in Latin America
Ronsanvallon, Pierre	The crisis of political representation
Rouquie, Alain	Social citizenship and authoritarian temptation
San Juan, Ana M.	State and social democratization in Latin America
Sanz, Ernesto	Social fragmentation and political parties
Shapiro, Ian	Democracy and Power in Latin America: the post-transition scenario
Shugart, Matthew	Strengthening Legislative Bodies in Latin America's Presidentialistic Democracies
Sleiman, Cecilia	Education and work for youth in Latin America: Current situation, tensions and challenges
Stavenhagen, Rodolfo	Ethnic conflicts and their impact on this continent's democratic processes
Stokes, Susan	Democracy and Power in Latin America: the post-transition scenario
Tanzi, Vito	Democratic aspirations and fiscal realities in Latin America
Uthoff, Botka	Democracy, citizenship and social security in Latin America
Vallejo, Juliana	Economics and Equity: Achievements and shortfalls during the democratic phase
Waisbord, Silvio	Media, press and democratic quality in post-transition Latin America
Zovatto, Daniel	Getting there on time: Notes on regulating political funding in Latin America
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Argentina	Balza, Martín	Ex Chief of Argentine Army; Ambassador in Colombia
Argentina	Berensztein, Sergio	President, Poliarquía Consultants
Argentina	Binner, Hermes	Governor of Santa Fe Province, Socialist Party
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Argentina	Gutiérrez, Ernesto	President, Airports Argentina 2000
Argentina	Highton de Nolasco, Elena	Vice President, Supreme Court of Justice
Argentina	Kirschbaum, Ricardo	Editorial Director, Clarín newspaper
Argentina	Lavagna, Roberto	Ex Minister of Economics
Argentina	Lengyel, Miguel	Director, Latin American Social Science Faculty (FLACSO) in Argentina
Argentina	Lolhé, Juan Pablo	Ambassador in Brazil
Argentina	López, José Ignacio	Ex spokesman for President Alfonsín; journalist and essayist
Argentina	Lorenzetti, Ricardo	President, Supreme Court of Justice
Argentina	Macri, Mauricio	Head of Government, Autonomous City of Buenos Aires
Argentina	Michetti, Gabriela	Legislator, National Proposal (PRO)
Argentina	Monteros, Laura	Senator, Radical Civil Union
Argentina	Pagani, Luis	President, ARCOR and Argentine Business Council
Argentina	Pagni, Carlos	Editorialist, La Nación newspaper
Argentina	Pampuro, José	Senator, Front for Victory

Argentina	Patiño-Meyer, Hernán	Ambassador in Uruguay
Argentina	Rodríguez, Andrés	Secretary-General, Civilian Personal Union of the Nation
Argentina	Rodríguez-Giavarini, Adalverto	Ex Chandellor; President, Argentine Council for International Affairs (CARI)
Argentina	Romero, Graciela	Political Consultant
Argentina	Rossi, Agustin	Legislator and President, Front for Victory
Argentina	Sabbatella, Martín	Legislator, Nuevo Encuentro
Argentina	Sanz, Ernesto	Senator and President, National Committee, Radical Civil Union
Argentina	Schmidt, Juan Carlos	Secretary-General of Maritimes (MTA); Training and Employment Secretary, General Labor Confederation
Argentina	Straface, Fernando	Director, Policy and Governance Program, Center for Implementing Public Policies for Equity and Growth
Argentina	Tachetti, Vittorio	Vice-Chancellor
Argentina	Terragno, Rodolfo	Ex head of Cabinet; ex Minister of Public Service and Works; ex senator, Radical Civic Union
Argentina	Tomada, Carlos	Minister of Labor
Argentina	Urtubey, Juan Manuel	Governor of Salta
Argentina	Vicente, Óscar	Ex Director-General, Pérez Companc; President, Argentine Petroleum Club
Argentina	Wainfeld, Mario	Journalist, Página 12 newspaper
Argentina	Zuleta-Puceiro, Enrique	Political Analyst
Bolivia	Albarracín, Waldo	Ex member of Ombudsman function
Bolivia	Alvear, Susana	Ambassador in Ecuador
Bolivia	Antelo, Germán	Senator, Progress Plan for Bolivia (PPB)
Bolivia	Aramayo, Antonio	Director, UNIR
Bolivia	Arce, Héctor	President, Chamber of Deputies
Bolivia	Arévalo, Eber	Advisor
Bolivia	Arias, Adriana	Legislator
Bolivia	Ávalos, Isaac	Head of Party, senators from the Movement to Socialism (MAS); National leader of the Bolivian Rural Confederation
Bolivia	Ayo, Diego	Analyst
Bolivia	Baker, Nigel	Ambassador of the United Kingdom of Great Britain and Northern Ireland
Bolivia	Bell, Kenny	Delegation from the Commission of European Communities
Bolivia	Beltrán, León	Legislative Adviser
Bolivia	Benavente, Claudia	Communicator
Bolivia	Benavides-Cortés, Fulvia Elvira	Ambassador in Colombia
Bolivia	Bersatti, Fernando	Senator
Bolivia	Borth, Carlos	Ex Senator, Social Democratic Power Party
Bolivia	Brañez, Alex	Advisor
Bolivia	Calderón, Fernando	Political Scientist
Bolivia	Candia, Freddy	Legal Advisor
Bolivia	Canedo, Zulma	Senator
Bolivia	Cárdenas, Félix	Vice Minister of De-colonization
Bolivia	Cárdenas, Víctor Hugo	Ex – Vice President of the Republic
Bolivia	Cervantes, José Rafael	Ambassador of Mexico

Bolivia	Cézar de Araujo, Federico	Ambassador of Brazil
Bolivia	Chávez, Wilfredo	Vice Minister of Governmental Coordination
Bolivia	Choque-Huanca, David	Minister of Foreign Affairs
Bolivia	Coca, Óscar	Minister of the Presidency
Bolivia	Copa, Nilda	Minister of Justice; National leader of the "Bartolina Sisa" National Confederation of Indigenous Native Rural Women
Bolivia	Cordero, Carlos	Analyst
Bolivia	Cortez, Edson	Advisor
Bolivia	Creamer, John S.	United States Embassy
Bolivia	Dausá-Céspedes, Rafael	Ambassador of Cuba
Bolivia	Delgadillo, Walter	Minister of Public Works
Bolivia	Doria-Medina, Samuel	Candidate for the Presidency, National Union Party
Bolivia	Escobar, José	Advisor
Bolivia	Exeni-Rodríguez, José Luís	Ex President, National Electoral Court
Bolivia	Fernández, Gustavo	Ex Chancellor
Bolivia	García-Linera, Álvaro	Vice President
Bolivia	García, Enrique	President of CAF – Venezuela
Bolivia	Garrido-Arosemena, Enrique	Ambassador in Panama
Bolivia	Gómez, Jorge Luis	Business Officer, Embassy of Argentina
Bolivia	González-Hernández, Crisbeylee	Ambassador of Venezuela
Bolivia	Granado, Juan del	Mayor, La Paz
Bolivia	Gutiérrez, Bernardo	Senator, Progress for Bolivia Plan – National Convergence (PPB-CN)
Bolivia	Guzmán, Gustavo	Ex Ambassador in USA
Bolivia	Herrera, Ricardo	Consul-General in Chile
Bolivia	Herrera, Yolanda	Standing Human Rights Assembly
Bolivia	Huanca, Mercedes	Legal Advisor
Bolivia	Ibarnegaray, Roxana	Member, National Electoral Court (CNE)
Bolivia	Jaltema, Steve	First Minister, Embassy of Canada
Bolivia	Kafka, Jorge	Analyst
Bolivia	Komadina, Jorge	Researcher
Bolivia	Letrilliard, Philippe	First Counselor – Embassy of France
Bolivia	Loza, Ricardo	Minister Counselor, Embassy of Spain
Bolivia	Machicado, Johnny E.	Advisor
Bolivia	Maldonado, Eduardo	Senator, Pluri-national Legislative Assembly (APL); President, Constitutional Commission
Bolivia	Mallo, Sandra	Consultant
Bolivia	Mansilla, Patricia	Legislator
Bolivia	Méndez, María Elena	Senator
Bolivia	Mendoza, Adolfo	Senator, Movement to Socialism Party (MAS)
Bolivia	Mesa-Gisbert, Carlos	Ex – President of the Republic
Bolivia	Molina, Fernando	Journalist
Bolivia	Montaño, Gabriela	Senator, Movement to Socialism Party (MAS)
Bolivia	Morales, Teresa	Coordinator, Legal Unit
Bolivia	Mozdzierz, William	Second Minister Counselor
Bolivia	Murillo, Javier	Analyst
Bolivia	Nagan, Eran	Second Secretary, Embassy of the Kingdom of the Netherlands
Bolivia	Novillo, Mónica	Responsible for the Women's Coordinating Agency Advocacy Program
Bolivia	Núñez, Juan Carlos	Jubileo Foundation

Bolivia	Nuni, Pedro	Legislator, Movement to Socialism (MAS); National Leader of the Bolivian Confederation of Indigenous Peoples (CIDOB)
Bolivia	Oliva, Adrián	Legislator, Progress for Bolivia Plan (PPB)
Bolivia	Ortiz-Antelo, Óscar	President, Senate
Bolivia	Paco, Marianela	Legislator
Bolivia	Paz, Sarela	Analyst
Bolivia	Peña, Claudia	Vice Minister of Autonomies, Province of Santa Cruz
Bolivia	Piérola, Norma Alicia	Legislator
Bolivia	Prada, Raúl	Ex Constitutional Assembly member
Bolivia	Quiroga-Ramírez, Jorge	Ex – President of the Republic
Bolivia	Quiroga, José Antonio	Intelectual; UNIR Foundation
Bolivia	Reck, Centa	Senator
Bolivia	Revollo, Marcela	Legislator, Movement to Socialism - Fearless Movement (MAS-MS)
Bolivia	Reyes, Elizabeth	Legislator, National Union (UN)
Bolivia	Riveros, Guido	President of the Board, Bolivian Foundation for Multi-party Democracy
Bolivia	Rocha, Enrique	Legal advisor
Bolivia	Rodríguez-Veltzé, Eduardo	Ex – President of the Republic
Bolivia	Rodríguez, Manuel	Ambassador of Peru
Bolivia	Rojas, Gonzalo	Researcher
Bolivia	Romero, Ana María	President, Chamber of Senators
Bolivia	Romero, Carlos	Minister of Autonomies
Bolivia	Romero, Raquel	Cabildeo Collective
Bolivia	Romero, Salvador	
Bolivia	Schjerlund, David	First Secretary, Embassy of Denmark
Bolivia	Soriano, Mónica	Vice-Chancellor
Bolivia	Stödberg, Ann	Counselor and Head of Cooperation, Embassy of Sweden
Bolivia	Surco, Fidel	Senator, Movement to Socialism (MAS); National leader, National Council for Change (CONALCA)
Bolivia	Terraza, Karime	Legal Advisor
Bolivia	Ticona, Esteban	Director, Diplomatic Academy; Indigenous Intellectual
Bolivia	Uchibori, Keika	Third Secretary, Area of Policy, Embassy of Japan
Bolivia	Uriona, Pilar	Activist, Network of Women
Bolivia	Yaksik, Fabián	Legislator, Movement to Socialism - Fearless Movement (MAS-MS)
Bolivia	Zaconeta, Sandra	Legal Advisor
Bolivia	Zavala, Ingrid	Legislator
Bolivia	Zegada, María Teresa	Analyst
Bolivia	Zurita, Leonilda	Ex Senator, Movement to Socialism (MAS); national leader, “Bartolina Sisa” Confederation
Brazil	Abdenur, Roberto	Ex ambassador in the United States
Brazil	Ananias, Patras	Ex Minister of Social Development and Fighting Poverty
Brazil	Barbosa, Rubens	Ex Ambassador in the United States; Foreign Trade Officer, Federation of State Industries of Sao Paulo (FIESP)
Brazil	Barros-Dutra, José Eduardo	President, Workers' Party

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Brazil	Botafogo-Gonçalves, José	President, Brazilian International Affairs Center (CEBRI)
Brazil	Bresser-Pereira, Luiz Carlos	Economist and Social Scientist; Professor emeritus, Getúlio Vargas Foundation
Brazil	Brito, Roberto	Legislator, People's Party (PP); President, Legislation Commission
Brazil	Buarque, Cristovam	Senator, Labor Democratic Party (PDT)
Brazil	Cabral-Filho, Sérgio	Governor of Rio de Janeiro; Brazilian Democratic Movement Party
Brazil	Cantanhede, Eliane	Journalist, Folha of Sao Paulo newspaper
Brazil	Cardoso, Fernando Henrique	Ex President of the Republic
Brazil	Carvalho-López, Márcia Helena	
Brazil	Ciarlini, Rosalba	Senator, Democratic Party (DEM); President, Commission for Social Affairs
Brazil	Coutinho, Luciano	President, National Development Bank
Brazil	Couto, Luiz	Legislator, Workers' Party; President, Human Rights and Minority Commission
Brazil	Da Silva-Santo, Arthur Henrique	President, National Workers' Central Committee
Brazil	Di Fortes, Heráclito	Senator, Liberal Front Party
Brazil	Dulci, Luiz	Secretary-General, Presidency of Brazil
Brazil	Falcao, Rui	Legislator, Workers' Party; Ex President of the Party
Brazil	Fillipelli, Tadeu	Legislator, Brazilian Democratic Movement Party; President of the Constitution, Justice and Citizenship Commission
Brazil	Fortes de Almeida, Mário	Minister of Cities
Brazil	Gadelha, Marcondes	Legislator, President of the Foreign Affairs and National Defense Commission, Chamber of Deputies
Brazil	Gaetani, Francisco	Assistant Executive-Secretary of the Ministry of Planning and Management
Brazil	Gandour, Ricardo	Director of the Sao Paolo State Group
Brazil	Garcia, Alexandre Eggers	Journalist, O Globo
Brazil	Garcia, Marco Aurélio	Counsellor-General of Foreign Affairs of Brazil; Vice President of the Workers' Party
Brazil	Genro, Tarso	Ex Minister of Education and Justice; Workers' Party
Brazil	Gomes, Ciro	Legislator, Socialist Party of Brazil
Brazil	Gracie, Ellen	Minister of the Supreme Federal Tribunal
Brazil	Gregory, Denise	Executive Director, Brazilian Center for International Studies
Brazil	Guerra, Sérgio	President, Brazilian Social Democracy Party
Brazil	Guimarães-Neto, Samuel Pinheiro	Minister of Strategic Affairs
Brazil	Gurgel-Santos, Roberto M.	Attorney-General of the Republic
Brazil	Jereissatti, Tasso Ribeiro	Senator, Brazilian Social Democracy Party (PSDB)
Brazil	Jorge, Miguel	Minister of Development
Brazil	Kramer, Dora	Journalist
Brazil	Laffer, Celso	Ex Minister of Foreign Affairs; Professor of Philosophy of Law, Law School, University of

		San Pablo
Brazil	Leitao, Miriam	Journalist, O Globo
Brazil	Leo, Sérgio	Journalist, Valor
Brazil	Maciel, Marco	Senator, Liberal Front Party; Ex – Vice President of the Republic
Brazil	Maia, César	Mayor of Rio de Janeiro
Brazil	Mangabeira-Unger, Roberto	Ex Minister of Strategic Affairs; Professor of Political Science, University of Harvard
Brazil	Mendes, Gilmar	Minister, Supreme Federal Tribunal
Brazil	Mercadante, Alozio	Senator, Workers' Party
Brazil	Monteiro-Neto, Armando de Queiroz	President, National Confederation of Industries
Brazil	Nery, José	Senator, Socialism and Liberty Party (PSOL); Vice President, Human Rights and Participatory Legislation Commission
Brazil	Neto, Arthur Virgílio	Senator, Brazilian Social Democracy Party (PSDB)
Brazil	Neves, Aécio	Governor of Minas Gerais; Brazilian Social Democracy Party (PSDB)
Brazil	Oddone da Costa, Décio F.	Petrobras, Organized Enterprise Climate (C.E.O.)
Brazil	Okamotto, Paulo	President, Brazilian Service to Support Small Enterprises
Brazil	Paes de Souza, Rómulo	Executive Secretary, Ministry of Social Development and Fighting Hunger
Brazil	Palocci, António	Ex Minister of Economics; Workers' Party
Brazil	Patriota, António	
Brazil	Portela de Castro, Maria Silva	Advisor, National Workers' Central Committee (CUT); President, Labor Advisory Council, Latin American Integration Association
Brazil	Rebelo, Aldo	Legislator, Community Party of Brazil
Brazil	Roussef, Dilma	Minister, Civil House of Government; Presidential Candidate, Workers' Party
Brazil	Sarney, José	President, Chamber of Senators; Brazilian Democratic Movement Party (PMDB)
Brazil	Serra, José	Governor, State of Sao Paulo; Brazilian Social Democracy Party
Brazil	Silva, Marina	Senator, Green Party of Brazil
Brazil	Singer, André	Spokesperson, Workers' Party of Brazil
Brazil	Skaf, Paulo	President, Federation of Industries of San Pablo
Brazil	Sotero, Paulo	Director, Brazil Institute of the Woodrow Wilson International Center
Brazil	Teixeira da Costa, Roberto	Director, Itaú Holding Financiera S.A. Bank
Brazil	Temer, Michel	President, Chamber of Deputies; President, Brazilian Democratic Movement Party (PMDB)
Brazil	Texeira, Alessandro	President, National Export Support Agency
Brazil	Vanucci, Paulo de Tarso	Human Rights Secretary
Brazil	Viera, Mauro	Ambassador in the United States
Chile	Allamand, Andrés	Senator, National Renewal Party; Inter-American Development Bank (IDB) consultant
Chile	Álvarez-Zenteno, Rodrigo	Under-Secretary of Finance; Vice President, Independent Democratic Union Party
Chile	Apablaza, Carolina	Responsible for Political Program for Liberty

		and Development
Chile	Arriagada, Genaro	Ex Minister; Secretary-General of the Presidency; Ex Ambassador in the United States
Chile	Bitar, Sergio	Ex Minister of Public Works; President, Party for Democracy
Chile	Brahm, María Luisa	Head of Advisors to the Presidency
Chile	Correa, Enrique	Ex Minister; Secretary-General of Chile; President, strategic communication consulting firm, IMAGINACION
Chile	Díaz, Francisco	Ex Advisor to the Presidency of Bachelet, Socialist Party (PS)
Chile	Díaz, Marcelo	Head of Socialist Party, Chamber of Deputies
Chile	Fernández, Mariano	Ex Chancellor
Chile	Gazmuri, Jaime	Ex Senator
Chile	Harboe-Bascuñán, Felipe	Legislator for Santiago Downtown
Chile	Hinzpeter, Rodrigo	Minister of the Interior; coordinator of Sebastián Piñera's campaign
Chile	Insunza, Jorge	Ex Legislator and Member of the Central Committee of the Party for Democracy (PPD)
Chile	Lagos-Weber, Ricardo	Senator, Fifth Region, Valparaíso and Easter Island
Chile	Lagos, Ricardo	Ex President of the Republic
Chile	Larrain, Felipe	Minister of Finance
Chile	Larroulet, Cristian	Minister Secretary-General of the Presidency
Chile	Maira, Luis	Legislator; Ex Ambassador; Minister of Planning
Chile	Novoa-Vásquez, Jovino	Senator, Independent Demoratic Union Party (UDI)
Chile	Ominami, Carlos	Ex Senator, Socialist Party, on behalf of the Fifth Region
Chile	Ominami, Marco Henríquez	Ex Presidential Candidate
Chile	Orrego, Claudio	Mayor, Peñalolén
Chile	Pérez, Lily	Senator, National Renewal Party
Chile	Pizarro, Jorge	President of the Senate
Chile	Pla, Isabel	Vice President, Independent Democratic Union (UDI)
Chile	Rincón, Ximena	President, Development Studies Center
Chile	Rubilar, Karla	Legislator, National Renewal Party
Chile	Sepúlveda-Orbenes, Alejandra	President, Chamber of Deputies
Chile	Somavía, Juan	Director General, International Labor Office; Attorney
Chile	Tohá, Carolina	Minister Secretary-General during the presidency of Michelle Bachelet
Chile	Undurraga-Vicuña, Alberto	Mayor, Municipality of Maipú
Chile	Uriarte-Herrera, Gonzalo	Legislator, Independent Democratic Union (UDI)
Chile	Valdés, Juan Gabriel	Ex Chancellor and Presidential Delegate to coordinate humanitarian aid to the Republic of Haiti
Chile	Viera-Gallo, José Antonio	Representative on the Constitutional Tribunal
Chile	Von Baer, Ena	Minister Secretary-General of Government for President Sebastián Piñera
Chile	Walker, Ignacio	Senator, Christian Democrat Party

Chile	Zalaquett, Pablo	Mayor of Santiago
Colombia	Acevedo-Carmona, Darío	University professor
Colombia	Álvarez, Marcelo	Head of the Mission to Support the Peace Process in Colombia, by the Organization of American States (MAPP-OAS)
Colombia	Andrade, Luis Evelis	Indigenous representative, National Indigenous Organization of Colombia (ONIC)
Colombia	Ángel, Santiago	Secretary-General, National Association of Businesspersons of Colombia (ANDI)
Colombia	Barco, Carolina	Ambassador in United States; Ex - Chancellor
Colombia	Bermúdez-Merizalde, Jaime	Minister of Foreign Affairs
Colombia	Bermúdez, Fernando	Acting Minister of the National Police
Colombia	Buendía, Paola	Director of Justice, Security and Government / National Planning Department
Colombia	Bueso, Margarita	Director, United Nations Development Fund for Women (UNIFEM)
Colombia	Cáceres Leal, Javier Enrique	President of the Senate
Colombia	Cuesta, Father Emigdio	Representative of Afro Groups, National Conference of Afro-Colombian Organizations (CNOA)
Colombia	Dangond-Gibsone, Claudia	Academic Dean, Pontifical Javeriana University
Colombia	Escobar, Sergio	Advisor
Colombia	Fajardo, Sergio	Candidate for the Presidency, Citizen Engagement Party
Colombia	García-Jiménez, Álvaro Eduardo	Ambassador in Argentina
Colombia	Gloger, Meredith	Resident Representative, International Institute of the Republic (IRI)
Colombia	Gómez, Andrés Felipe	Directorate of Justice and Security, National Planning Department (DNP)
Colombia	González, Andrés	Governor of Cundinamarca
Colombia	Ibáñez-Guzmán, Antonio José	President of the Supreme Court
Colombia	Madariaga, Antonio	Executive Director, Viva la Ciudadanía
Colombia	Mateos, Luis	Political Counsellor, Embassy of Spain
Colombia	Mejía, Francisco Javier	Representative, City of Bogotá
Colombia	Mejía, María Emma	Chancellor, Alternative Democratic Pole Party
Colombia	Melguizo, Jorge	Social Secretary, City of Medellín
Colombia	Molano, Rafael Alberto	President, Unified Central Committee for Workers (CUT)
Colombia	Morantes-Alfonso, Miguel	President, Confederation of Workers (CTC)
Colombia	Moreno-Paneso, Cristian	Governor
Colombia	Moreno-Rojas, Samuel	Mayor of Bogotá, Alternative Democratic Pole Party
Colombia	Moreno, Luis Alberto	President, Inter-American Development Bank (IDB) in Colombia
Colombia	Murillo, Gabriel	Expert, University of the Andes
Colombia	Novoa, Armando	Director, Plural
Colombia	Ocampo, José Antonio	United Nations Economic Commission for Latin America and the Caribbean (UN-ECLAC)
Colombia	Ospina, Alfonso	Director-General, Colprensa
Colombia	Pardo, Rafael	Candidate for the Presidency, Liberal Party
Colombia	Parra-González, Adela	National Planning Department (DNP)
Colombia	Pastrana, Andrés	Ex President of the Republic
Colombia	Perry, Guillermo	Ex Representative to the World Bank; belongs

		to Fededesarrollo
Colombia	Petro, Gustavo	Candidate for the Presidency, Alternative Democratic Pole Party
Colombia	Pinilla, Nilson	President, Constitutional Court
Colombia	Prieto, Marcela	Director-General, Institute of Political Science
Colombia	Ramírez-Ocampo, Augusto	Expert, Pontifical Javeriana University
Colombia	Ramírez, Marta Lucía	Political scientist
Colombia	Riaga, Jairo	Independent Movement for Absolute Renewal (MIRA)
Colombia	Rodríguez, Carlos	Ex Secretary-General, Confederation of Workers of Colombia (CUT)
Colombia	Rojas, Jorge	Executive Director, Consultancy for Human Rights and Displacement (CODHES)
Colombia	Sánchez, Carlos Ariel	National Registrar
Colombia	Sanín, Noemí	Presidencial candidate
Colombia	Santos-Calderón, Francisco	Vice President
Colombia	Santos, Juan Manuel	Founder of the U Party; Minister of Defense
Colombia	Serpa, Horacio	Governor of Santander
Colombia	Ungar, Elisabeth	Director, Transparency for Colombia
Colombia	Vargas-Lleras, Germán	Candidate for the Presidency, Radical Change Party
Colombia	Vargas-Velásquez, Alejo	Coordinator, National University of Colombia
Colombia	Vargas, Rafael	Advisor to the National Registrar
Colombia	Velázquez, Fabio	Assistant Director, Forum for Colombia Foundation
Costa Rica	Aguilar-Arce, Rodrigo	President, RERUM NOVARUM Confederation of Workers
Costa Rica	Antillón-Guerrero, Mayi	Minister of Communication and Liaison
Costa Rica	Araya, Johnny	Mayor of San José
Costa Rica	Arias, Óscar	Ex President of the Republic
Costa Rica	Arraya, Mónica	President, Cadexco
Costa Rica	Berrocal, Fernando	Coordinator of Plans and Program, National Liberation Party
Costa Rica	Calderón-Fournier, Rafael Ángel	Candidate for the Presidency, Social Christian Unity Party
Costa Rica	Campbell-Bar, Epsy	Ex President, Citizen Action Party
Costa Rica	Casas, Kevin	Ex – Vice President of the Republic
Costa Rica	Chinchilla, Laura	President of the Republic
Costa Rica	Cuéllar, Roberto	Executive Director, Inter-American Human Rights Institute
Costa Rica	Dueñas, Tomás	Ex Ambassador in Washington
Costa Rica	Fishman-Zonzinski, Luis	President, Christian Social Unity Party (USC)
Costa Rica	Guevara, Otto	Candidate for the Presidency, Libertarian Movement
Costa Rica	Iturralde, Diego	Attorney and anthropologist
Costa Rica	Merino del Río, José	Legislator, Legislative Assembly, Broad Front
Costa Rica	Molina, Francisco	Leader, Citizen Action Party, in the Legislative Assembly
Costa Rica	Mora-Mora, Luis Paulino	President, Supreme Court of Justice
Costa Rica	Mora, Jorge	Director, Costa Rican campus of the Latin American Social Science Faculty (FLACSO)
Costa Rica	Ordóñez, Jaime	Director, Central American Governance Institute, Observatory of Democracy in C.A. Program

Costa Rica	Pacheco, Francisco Antonio	President, Legislative Assembly
Costa Rica	Picado-León, Hugo	Official, Superior Election Tribunal
Costa Rica	Reuben, David	Standing Delegate of the Presidency, Supreme Electoral Tribunal
Costa Rica	Rodríguez, Florisabel	Director and Founder, Processes Company
Costa Rica	Rojas, Manuel	Professor and Researcher, Latin American Social Science Faculty (FLACSO)
Costa Rica	Sobrado, Luis	President, Supreme Election Tribunal
Costa Rica	Sojo, Carlos	International Consultant
Costa Rica	Sol-Arriaza, Ricardo	Director, Foundation for Peace and Democracy (FUNPADEM)
Costa Rica	Solís, Otto	Candidate for the Presidency, Citizen Action Party
Costa Rica	Stagno, Bruno	Minister of Foreign Affairs
Costa Rica	Trejos, Eugenio	Ex Presidential Candidate, Broad Front Party
Costa Rica	Ulibarri, Eduardo	President, Press and Freedom of Speech Institute (IPLEX)
Costa Rica	Urcuyo, Constantino	Academic Director, Center for Public Administration Research and Training (CIAPA)
Costa Rica	Valverde, Ricardo	Program Officer, Center for Electoral Advisory Support and Promotion, Inter-American Human Rights Institute (CAPEL-IIDH)
Costa Rica	Vargas, Albino	Secretary-General, National Association of Public and Private Employees (ANEP)
Costa Rica	Villasuso, Juan Manuel	Director of the University's Information and Knowledge Society Program
Cuba	Hernández, Rafael	Political Scientist, Professor and Researcher, Director of the Temas magazine
Ecuador	Acosta, Alberto	Director, Economics Program, Latin American Social Science Faculty (FLACSO); Ex President, Constitutional Assembly
Ecuador	Aránibar, Ernesto	Businessman
Dominican Rep.	Álvarez, Roberto	Ex Standing Representative to the OAS
Dominican Rep.	Arias, Yvonne	President, Jaragua Group
Dominican Rep.	Bolívar-Díaz, Juan	Director, Information Services, Teleantillas, Channel 2
Dominican Rep.	Bosh, Milagros	Vice President (PRD)
Dominican Rep.	Cabral, Peggy	Secretary of International Relations, PRD
Dominican Rep.	Cabreja, Javier	Executive Director, Citizen Participation
Dominican Rep.	Castaños, Julio César	President, Central Electoral Board
Dominican Rep.	Castaños, Sergio Tulio	Executive Vice President, Institutionality and Justice Foundation (FINJUS)
Dominican Rep.	Contreras, Lourdes	Director, Gender Studies Center, Technological Institute of Santo Domingo
Dominican Rep.	Espinal, Flavio Dario	Ex Ambassador in the United States; Ex standing Representative to the OAS
Dominican Rep.	Fernández-Saavedra, Gustavo	Director, Latin American Coordination, SELA
Dominican Rep.	Fernández, Leonel	President of the Republic
Dominican Rep.	Galván, Sergia	Community leader; member of Women's Forum
Dominican Rep.	Germán, Alejandrina	Member, Political Committee, Dominican Liberation Party (PLD)
Dominican Rep.	Isa, Samir Chami	Coordinator-General, Citizen Participation
Dominican Rep.	Lantigua, Joel	National Director of Elections
Dominican Rep.	Lozano, Wilfredo	Director-General, Social Research and Studies

		Center
Dominican Rep.	Macarrulla, Lisandro	President, National Council of Private Enterprise (CONEP)
Dominican Rep.	Mariotti, Charlie	Senator, Dominican Liberation Party (PLD)
Dominican Rep.	Mera, Orlando Jorge	Secretary-General, Dominican Revolutionary Party (PRD)
Dominican Rep.	Montás, Juan Temístocles	Secretary of Economics, Planning and Development
Dominican Rep.	Morales-Troncoso, Carlos	Minister of Foreign Affairs
Dominican Rep.	Padilla-Guerrero, Amable Arturo	Under-Secretary of International Relations (PRD)
Dominican Rep.	Pared-Pérez, Reinaldo	President, Senate
Dominican Rep.	Rosario-Márquez, Roberto	President, Administrative Chamber, Central Electoral Board
Dominican Rep.	Sang, Mu Kien	Academic Vice Rector, Pontifical Catholic University of Santo Domingo
Dominican Rep.	Toribio, Rafael	International Consultant
Dominican Rep.	Valentín, Julio César	President, Chamber of Deputies, Dominican Liberation Party (PLD)
Dominican Rep.	Vargas-Maldonado, Miguel	Presidential Candidate, Dominican Liberation Party (PRD)
Dominican Rep.	Viyella de Paliza, Elena	President, National Council of Private Enterprise; President, Inter- Química S.A.
Ecuador	Carvajal, Miguel	Minister Coordinator of Domestic and Foreign Security
Ecuador	Cevallos, Javier Ponce	Minister of Defense of President Rafael Correa
Ecuador	Cordero, Fernando	President, National Constitutional Assembly
Ecuador	Del Cioppo-Aragundi, Pascual Eugenio	President, Social Christian Party of Ecuador
Ecuador	Falconí-Benítez, Fander	Chancellor
Ecuador	Gallegos, Luis	Ambassador in the United States
Ecuador	Hidalgo, Ruth	Citizen Participation – Network of Justice
Ecuador	Hurtado, Osvaldo	Ex President of the Republic
Ecuador	Jalkh, Gustavo	Minister of the Interior during the presidency of Rafael Correa
Ecuador	Moncayo, Paco	Ex mayor of Quito
Ecuador	Montúfar, César	Assembly member
Ecuador	Mora, Galo	Secretary of Culture
Ecuador	Nebot-Saadi, Jaime	Mayor of Guayaquil
Ecuador	Noboa, Álvaro	Founding President of the “Association of Real Estate Brokers”; three-time candidate for president for the National Action Institutional Renewal Party (PRIAN)
Ecuador	Pachano, Simón	University professor
Ecuador	Peñaherrera-Solah, Blasco	President of the Quito Chamber of Commerce
Ecuador	Ramírez-Vallejos, René	Heads National Planning and Development Secretariat (SENPLADES)
Ecuador	Romo, María Paula	Assembly member; Commission of Truth
Ecuador	Ruiz, Gonzalo	Journalist (domestic press); editorialist, El Comercio newspaper
Ecuador	Simón, Omar	President, National Electoral Council
Ecuador	Torre, Augusto de la	Director, Latin American Department, World Bank
Ecuador	Vega-Delgado, Gustavo	President, National Council of Higher

		Education and Polytechnic Schools (CONESUP)
El Salvador	Ábrego, Abraham	Assistant Director
El Salvador	Acosta, Joselito	Labor Union of the Electrical Industry of El Salvador (SIES)
El Salvador	Alemán, Juan Daniel	Secretary-General of the Central American Integration System (SICA)
El Salvador	Altamirano, Enrique	Editor-in-Chief, Hoy newspaper
El Salvador	Amaya, José María	Central Committee of Democratic Workers – Social Confederation of the Americas (CTD-CSA)
El Salvador	Aragay, Manuel Matta	Embassy of Chile
El Salvador	Araque, Gloria	Women's Institute
El Salvador	Araujo, Carlos	National Private Enterprise Association (ANEP)
El Salvador	Arene, Alberto	Political Analyst
El Salvador	Ballesteros, Ricardo	National Private Enterprise Association (ANEP)
El Salvador	Barillas, Rosario de	Advisor, Attorney-General's Office
El Salvador	Bonilla, José Carlos	National Private Enterprise Association (ANEP)
El Salvador	Brizuela de Ávila, María Eugenia	Director, Corporate Sustainability, HSBC Latin America
El Salvador	Cabrales, Antonio	President, Salvadoran Foundation for Economic and Social Development (FUSADES)
El Salvador	Cáceres de Alemán, Silvia	Embassy of Guatemala
El Salvador	Cáceres, Carlos	Minister of Economics
El Salvador	Calderón, Vilma de	Corporation of Exporters (COEXPORT)
El Salvador	Campos, Sergio	National Private Enterprise Association (ANEP)
El Salvador	Cardenal, Raúl	Salvadoran Banking Association (ABANSA)
El Salvador	Cartagena, Silvia	Member of the Political Commission of the Farabundo Martí National Liberation Front (FMLN)
El Salvador	Castañón, Milagros	Embassy of Peru
El Salvador	Castro-Ábrego, Carlos Sigfredo	Network for Migrations, El Salvador – Citizen Power Council (REDMIGRES/CPC)
El Salvador	Centeno-Valle, Rosa María	Association for Community Development and Cooperation of El Salvador – Christian Committee for Displaced Persons (CORDES-CRIPDES)
El Salvador	Centeno, Humberto	Minister of Government
El Salvador	Chacón, Alexander	Office of the Secretary-General of the Central American Integration System (SICA)
El Salvador	Chávez-Mena, Miguel	Christian Democrat Party
El Salvador	Chávez, Delmy	Owner, CODCEL
El Salvador	Chicas, Eugenio	Magistrate of the Supreme Electoral Tribunal
El Salvador	Cisneros, Ana	Citizen Power Council (CPC)
El Salvador	Córdova, Ricardo Alfonso	Executive Director, “Dr. Guillermo Manual Ungo” Foundation (FUNDAUNGO)
El Salvador	Cristiani, Alfredo	Ex President of the Republic; President of Nationalistic Republic’s Alliance (ARENA)
El Salvador	Cuéllar, Nelson	Coordinator, PRISMA
El Salvador	Daboub, José Jorge	Chamber of Commerce
El Salvador	Delgado, Paulino	Social Investment Fund for Local Development (FISDL)
El Salvador	Díaz, Francisco	Ministry of Foreign Affairs

El Salvador	Domínguez, Rafael	President, El Salvador Journalists Association (APES)
El Salvador	Enríquez, Alberto	Director, AFAN
El Salvador	Erazo, Guadalupe	Social Popular Block (BPS)
El Salvador	Escalón, Carmen Elena de	Legislator, Nationalist Republic's Alliance Party
El Salvador	Escobar, Ana Vilma de	Vice President of the Republic
El Salvador	Espinoza, Guadalupe de	Representative, Secretariat of Social Inclusion
El Salvador	Flores, Milton	Forum to Defend the Constitution (FDC)
El Salvador	Funes, Mauricio	President of the Republic
El Salvador	Gallardo, Cecilia	Ex Minister of Education; Coordinator of the social area for the Presidency of the Republic
El Salvador	Gamba, Carlos Alberto	Embassy of Colombia
El Salvador	González, Bolt	Embassy of Nicaragua
El Salvador	Gutiérrez, Francisco	Advisor, AGRICULTURAL GROUP
El Salvador	Hasbún-Barake, Franzi	Secretary of Strategic Affairs
El Salvador	Hernández, Pedro	October 12 People's Resistance Movement (MPR-12)
El Salvador	Herrera, Diana	Department of Legal Studies, Salvadoran Foundation for Economic and Social Development (FUSADES)
El Salvador	Herrmann-Escribano, Ingrid	Embassy of Costa Rica
El Salvador	Hirezi, Héctor Dada	Minister of Economics
El Salvador	Huezo, Raúl	Minister of Foreign Affairs
El Salvador	Huguet-Rivera, Federico Miguel	Rector, Don Bosco University
El Salvador	Huiza, José Israel	General Conference of Labor Unions (CGS)
El Salvador	Juárez, Jaime	Advisor to the Tribunal
El Salvador	Laines-Rivas, Francisco	Standing Ambassador to the OAS
El Salvador	Martínez, Agustín	Agricultural and Agroindustrial Chamber (CAMAGRO)
El Salvador	Martínez, Gerson	Minister of Public Works
El Salvador	Martínez, Hugo	Minister of Foreign Affairs
El Salvador	Maruhashi, Shigetomo	Embassy of Japan
El Salvador	Mata, Rolando	Legislator
El Salvador	Medrano, Nayda	Director, Consumer Defense Center
El Salvador	Mejía, Óscar	Association of Wartime Wounded of El Salvador (ALGES)
El Salvador	Meléndez-Padilla, Florentín	Magistrate of the Constitutional Division of the Court
El Salvador	Mendoza, Alexander	Union of Workers of the Salvadoran Social Security Institute (STISS)
El Salvador	Miranda, Danilo	Professor of the M.A. Program in Political Science
El Salvador	Molina, Sarahí	Unified Confederation of Unionized Workers (CUTS)
El Salvador	Monterrosa, Celina de	Manager of Foreign Affairs
El Salvador	Morales, Pedro	Manager of Planning, Ministry of Education
El Salvador	Muñoz, Carmen Aída	American Chamber of Commerce of El Salvador (AmCham)
El Salvador	Murray-Mesa, Roberto	Director of ARENA; president of the Salvadoran Industrial and Agricultural agency
El Salvador	Ortiz, Juan José	Social Initiative for Democracy
El Salvador	Ortiz, Óscar	President, National Territorial Development and Decentralization Council.

El Salvador	Osorio de Chavarría, Vilma	National Private Enterprise Association (ANEP)
El Salvador	Osorio, Yanire	Salvadoran Institute for Women's Development (ISDEMU)
El Salvador	Patto, Rubén	Ambassador of Argentina
El Salvador	Pérez, Guadalupe Atilio Jaime	Union Federation of Salvadoran Workers in the Food, Beverage, Hotel, Restaurant and Agro-industry Sector (FESTSSABHRA)
El Salvador	Pleytez, Rafael	Manager, Social Area of the Department of Economic and Social Studies of the Foundation for Economic and Social Development (FUSADES)
El Salvador	Poulin, Claire	Embassy of Canada
El Salvador	Quijano, Francisco Arturo	Autonomous Central Committee of Salvadoran Workers' Union (CATS-MUSYGES)
El Salvador	Ramírez-Amaya, Dagoberto	Social Confederation of Workers of El Salvador (CSTS)
El Salvador	Ramoneda, Kim	Embassy of France
El Salvador	Renderos, Carlos	National Private Enterprise Association (ANEP)
El Salvador	Rendón, Mateo	AGRICULTURAL GROUP
El Salvador	Reséndiz, Arellano	Embassy of Mexico
El Salvador	Reyes, Alfonso Mariano	General Federation of Workers – Union and Guild Unity Movement of El Salvador (CGT-MUSYGES)
El Salvador	Reyes, Sigfrido	Vice President, Legislative Assembly
El Salvador	Rivera, Mario Ernesto	Salvadoran Chamber of the Construction Industry (CASALCO)
El Salvador	Romero, Carlos Danilo	Student Leader, El Salvador University
El Salvador	Rubio, Roberto	Executive Director, National Development Foundation
El Salvador	Ruiz, Waldimir	Embassy of Venezuela
El Salvador	Samanjoa, Salvador	Ex Minister of Education
El Salvador	Samayoa, Óscar	Minister of Economics
El Salvador	Santamaría, Óscar	Foreign Affairs Officer, National Executive Council, ARENA
El Salvador	Segovia-Cáceres, Alexander	Technical Secretary, Presidency of the Republic
El Salvador	Silva, Héctor	President, Local Development Investment Fund; Ex mayor of San Salvador
El Salvador	Simán, José Jorge	Member, Salvadoran Business Council for Sustainable Development (Utopia, S.A.)
El Salvador	Tedeschi, Ketty	Embassy of Italy
El Salvador	Thiele, Carsten	Embassy of Germany
El Salvador	Umaña, Claudia Beatríz	Director of Legal Studies, Salvadoran Foundation for Economic and Social Development (FUSADES)
El Salvador	Urquilla-Bermúdez, Eduardo Antonio	Magistrate of the Supreme Electoral Tribunal
El Salvador	Urquilla, Katleen	El Diario de Hoy
El Salvador	Vergara, Fausto	Ministry of Foreign Affairs
El Salvador	Zambrano, Universi	Embassy of Ecuador
France	Blancher, Jean Michel	Rector, Creteil Academy; University Chancellor
France	Fitoussi, Jean Paul	Professor, IEP University of Paris; President of the OFCE; Coordinator, Commission to Measure Economic Performance and Social

		Progress
France	Quenan, Carlos	Professor, Institute of Higher Studies on Latin America
France	Rouquié, Alan	President, House of Latin America in Paris
Guatemala	Aitkenhead-Castillo, Richard	Commissioner to Monitor the Government Plan of President Óscar Berger in 2004
Guatemala	Alvarado, Roberto	Executive Director, Association of Friends of Development and Peace (ADP)
Guatemala	Álvarez, Virgilio	FLACSO
Guatemala	Ardón, Roberto	Executive Director, Committee to Coordinate Agricultural, Commercial, Industrial and Financial Associations (CACIF)
Guatemala	Baldetti, Roxana	Legislator, Patriot Party
Guatemala	Blanco, Orlando	Secretary, Secretary for Peace (SEPAZ)
Guatemala	Briz, Jorge	Secretary, Chamber of Commerce
Guatemala	Busto, Juan Antonio	President, Chamber of Industry
Guatemala	Cámbara, José Roberto Alejos	President, Congress
Guatemala	Castillo, José Guillermo	Businessman; Ex Ambassador in the USA
Guatemala	Castresana, Carlos	Director, International Commission against Impunity in Guatemala (CICIG)
Guatemala	Cojtí-Cuxil, Demetrio	Doctor and Researcher, Maya Documentation and Research Center to strengthen indigenous institutions; Ex Vice Minister of Education
Guatemala	Colom, Álvaro	President of the Republic
Guatemala	Crespo-Villegas, Arístides Baldomero	Second Vice President, Congress
Guatemala	Cu-Caal, Cleotilde	Director, Indigenous Women's Defense Agency (DEMI)
Guatemala	Cunningham-Kain, Mirna	Women's rights activist (born in Nicaragua)
Guatemala	Escobedo Escalante, Sonia	Director, Presidential Secretariat for Women (SEPREM)
Guatemala	Espada, Rafael	Vice President of the Republic
Guatemala	Font, Juan Luis	Editor, El Periódico / A las 8:45
Guatemala	Frade, Rosa María de	Legislator, independent; Vice President, Women's Commission in Congress
Guatemala	Fuentes-Mohr, Fernando	Principal Advisor to President Álvaro Colom
Guatemala	Gálvez-Borrell, Víctor	Secretary, School of Political and Social Science, Rafael Landívar University
Guatemala	Godínez, Mario	Executive Officer, CEIBA
Guatemala	Godoy, Víctor Hugo	Human Rights Attorney's Office
Guatemala	Gutiérrez, Édgar	Ex Minister of Foreign Affairs
Guatemala	Gutiérrez, Roberto	Director of Gestores Group
Guatemala	Heinemann, Édgar	Director, Foundation for the Development of Guatemala (FUNDESA)
Guatemala	Higueros-Girón, Rubén Eliu	President, Supreme Court
Guatemala	Ibarrola-Nicolín, Eduardo	Ambassador of Mexico
Guatemala	Lamport, Peter	President, UMBRAL Corporation
Guatemala	León-E., Carmen Rosa de	President, Institute for Teaching about Sustainable Development (IEPADES)
Guatemala	López, Virna	Legislator, Great National Alliance Party (GANA); President, Commission for State Reform and Modernization
Guatemala	Lux, Otilia	Legislator, Winaq
Guatemala	Mack, Hellen	President, Myrna Mack Foundation

Guatemala	Marroquín, Gonzalo	Editor,Prensa Libre
Guatemala	Marroquín, Manfredo	President, Acción Ciudadana
Guatemala	Mendoza, Francisco	Representative, Mario López-Larrave Foundation
Guatemala	Micheo, César	Coordinator, Central American Political Studies Institute (INCEP)
Guatemala	Montenegro, Jorge	President, Committee to Coordinate Agricultural, Commercial, Industrial and Financial Associations (CACIF)
Guatemala	Montenegro, Nineth	Secretary-General, Encounter for Guatemala Party
Guatemala	Monzón, Ovidio	Legislator, Encounter for Guatemala Party
Guatemala	Morales, Sergio	Human Rights Attorney-General
Guatemala	Noriega, Arnoldo	Advisor to the Presidency; Leader of the Guatemalan National Revolutionary Union
Guatemala	Pérez-Marroquín, Jorge Alberto	Private Secretary to the Vice President
Guatemala	Pérez-Molina, Otto	President, Patriot Party (PP)
Guatemala	Pérez, Jorge	Private Secretary to the Vice President
Guatemala	Pinzón, José	General Central Confederation of Workers of Guatemala (CGTG)
Guatemala	Pira, Lars	Vice Minister of Foreign Affairs
Guatemala	Pop, Álvaro	Director, NALEB
Guatemala	Ríos, Zury	Legislator, Guatemalan Republic's Front
Guatemala	Rodas-Melgar, Haroldo	Minister of Foreign Affairs
Guatemala	Ruano, Jorge	Coordinator, "Governing with the People"
Guatemala	Sánchez, Haroldo	Executive Director, Guatevisión
Guatemala	Stein-Barillas, Eduardo	Ex Vice President; Ex Chancellor
Guatemala	Torres, Enrique	Teacher Leader
Guatemala	Umaña, Karin Slowing	Director, Secretariat of Planning and Programming, Presidency (SEGEPLAN)
Guatemala	Valdez, Fernando	Consultant, INGEP
Guatemala	Valdizán, José Eduardo	Director, TV Azteca
Guatemala	Valenzuela, Luis Felipe	Editor, Emisoras Unidas
Guatemala	Velásquez, Hélmer	Director, Coordinating Agency for NGOs and Cooperatives (CONGCOOP)
Guatemala	Zelaya, Raquel	Director, Association for Social Research and Studies (ASIES)
Guatemala	Zúñiga, Carlos Enrique	President, Chamber of Agriculture
Italy	Tanzi, Vito	Economist; Ex International Monetary Fund
Mexico	Aguayo, Sergio	Professor – researcher, El Colegio de México
Mexico	Aguilar, Héctor	University professor
Mexico	Alanís-Figueroa, María del Carmen	President, Electoral Tribunal
Mexico	Álvarez-Icaza, Emilio	Expert in Human Rights
Mexico	Blancarte, Roberto	Professor – researcher, El Colegio de México
Mexico	Cansino, César	Journalist
Mexico	Cárdenas-Batel, Lázaro	Ex Governor of Michoacán
Mexico	Carrasco-Daza, Magdo Constancio	Magistrate, Superior Division, Electoral Tribunal, Judicial Branch of the Federation
Mexico	Castro-Trenti, Fernando	National Senator, Institutional Revolutionary Party (PRI)
Mexico	Cordera, Rolando	Professor emeritus, School of Economics, Autonomous National University of Mexico

		(UNAM).
Mexico	Delgado-Ballesteros, René	Editorial Director, Reforma newspaper
Mexico	Ealy-Ortiz, Juan Francisco	President, El Universal newspaper
Mexico	Ebrard, Marcelo	Head of Federal District Government
Mexico	García, Amalia	Governor of Zacatecas
Mexico	González-Carrillo, Adriana	Senator, National Action Party (PAN)
Mexico	González-Martínez, Jorge Emilio	President, Green Ecologist Party
Mexico	González, Samuel	International Consultant
Mexico	Green, Rosario	President, Foreign Affairs Commission, Senate
Mexico	Gurría, Luis Alberto	Secretary-General, OECD
Mexico	Gutiérrez-Candiani, Gerardo	President, Confederation of Employers of the Mexican Republic (COPARMEX)
Mexico	Heredia, Blanca	Commissioner for Political Development, Secretariat of Governance
Mexico	Icasa, Carlos de	Ambassador in France
Mexico	Incháustegui, Teresa	Federal Legislator, Democratic Revolution Party (PRD)
Mexico	Jusidman, Clara	President, Citizens' and Social Development Initiative
Mexico	Levy-Algazi, Santiago	Vice President of the Knowledge Sector, Inter-American Development Bank
Mexico	Loaeza, Soledad	Professor – researcher, El Colegio de México
Mexico	Martínez-Cazares, Germán	Ex President, National Action Party (PAN)
Mexico	Mendicuti-Narro, Arturo	President, Chamber of Commerce of Mexico
Mexico	Merino, Mauricio	Director, Public Administration Division, Economic Research and Teaching Center (CIDE)
Mexico	Muñoz-Ledo, Porfirio	University professor
Mexico	Nava-Vásquez, César	President, National Action Party (PAN)
Mexico	Navarrete-Ruiz, Carlos	President, Senate, Democratic Revolution Party (PRD)
Mexico	Núñez, Arturo	Senator, Democratic Revolution Party (PRD)
Mexico	Ortega-Martínez, Jesús	President, Democratic Revolution Party (PRD)
Mexico	Ortiz-Mayagoitia, Guillermo	President, Supreme Court of Justice
Mexico	Ovando-Padrón, José Luis	Legislator, National Action Party (PAN)
Mexico	Paredes-Rangel, Beatriz	President, Institutional Revolutionary Party (PRI)
Mexico	Paredes, Armando	President, Business Coordination Council
Mexico	Peña-Nieto, Enrique	Governor, State of Mexico
Mexico	Poire, Alejandro	Under-Secretary for Population, Migration and Religious Affairs, Secretariat of Governance
Mexico	Ramírez-Acuña, Javier	President, Chamber of Deputies (PAN)
Mexico	Reyes-Heroles, Federico	President, "This Country" Foundation; Minister of Mexican Petroleum (PEMEX)
Mexico	Sarukhán, Arturo	Ambassador in the United States
Mexico	Solís, Felipe	Legislator, Institutional Revolutionary Party (PRI)
Mexico	Sotelo, Carlos	Senator, Democratic Revolution Party (PRD)
Mexico	Valdés, Leonardo	Counselor President, Federal Electoral Institute (IFE)
Mexico	Villanueva, Luis Aguilar	Consultant
Mexico	Woldenberg, José	Counselor President, Federal Electoral Institute (IFE)

Mexico	Zapata, Alejandro	Senator, National Action Party (PAN)
Mexico	Zebadúa, Emilio	President, Foundation for Teachers' Culture
Mexico	Zuckermann, Leo	Professor—researcher, Economic Research and Teaching Center (CIDE)
Nicaragua	Cruz, Arturo	Ex Ambassador in the United States
Panama	Aguilar-Navarro, Carlos	Director General, State Radio and Television System
Panama	Altamar, María Eugenia	Project Manager, Dichter & Neira Consulting
Panama	Ardito-Barletta, Nicolás	Ex President and President, Pan-American Development Corporation
Panama	Arias, Francisco	President, EPASA Publishing Group
Panama	Asvat, Ebrahim	President, La Estrella newspaper
Panama	Barroso, Manuel	Assistant Director General, State Radio and Television System
Panama	Berguido, Fernando	President, La Prensa newspaper
Panama	Blandon, José Isabel	Political Analyst
Panama	Cabrera, Edwin	Journalist, Radio Panama
Panama	Candanedo, Martín	Professor, UTP
Panama	Cano, Norma	President, National Council of Organized Workers
Panama	Castillero, Alfredo	Ex Member, United Nations Human Rights Committee
Panama	Castro, Abigail	OAS Representative in Panama
Panama	Cisneros-Naylor, Aram	Advisor, Ministry of the Presidency
Panama	Correa, Fernando	President, Panama Radio Association
Panama	Doens, Mitchell	Secretary-General, Democratic Revolutionary Party (PRD)
Panama	Eisenmann, Roberto	Editor, La Prensa
Panama	González-Ruiz, Sergio	President, Liberal Movement of the Republic Party (MOLINERA).
Panama	Guardia, Tomás	Assistent, Ministry of Foreign Affairs
Panama	Herrera, Balbina	Candidate for President, Democratic Revolutionary Party (PRD)
Panama	Jaen, Maribel	Director, Justice and Peace Commission
Panama	López-Barrón de Labra, José Manuel	Ambassador of Spain
Panama	Maestre, Édgar	Young Americas Business Trust Program Manager
Panama	Márquez de Pérez, Amelia	Professor, School of Public Administration, University of Panama
Panama	Martinelli, Ricardo	President of the Republic
Panama	Martínez-Gómez-Ruiloba, Ana	Attorney-General of the Nation
Panama	Méndez, Roxana	Advisor, Democratic Change Party
Panama	Mitchell, Harley	President, Supreme Court of Justice
Panama	Mulino, José Raúl	Minister of the Interior and Justice
Panama	Papadimitriu, Demetrio	Minister of the Presidency
Panama	Pichardo, Grecia Fiordalicia	Ambassador of the Dominican Republic
Panama	Pinilla-Villarino, Erasmo	President, Electoral Tribunal
Panama	Ricardo-Villarino, Bosco	Mayor, Panama City
Panama	Royo, Arístides	Ex President; Standing representative to the OAS
Panama	Salcedo, Siaska	Editor, La Prensa newspaper
Panama	Soto, Eduardo	Assistant editor to the Panamá América newspaper

Panama	Suárez, Johnny	Minister Counselor, Embassy of Costa Rica
Panama	Tasón, Jessica	Journalist, Crítica newspaper
Panama	Terrizzano, Fernando	General Manager and Vice President of the Dichter & Neira consulting firm
Panama	Torrijos, Martín	Ex President of the Republic
Panama	Varela, José Luis	President of the National Assembly
Panama	Varela, Juan Carlos	Vice President and Chancellor
Panama	Vargas, Ricardo J.	Ombudsman
Panama	Villarino-Clement, Alberto	Minister of Economics and Finance
Paraguay	Acevei, Hipólito	President of the Coordinating Body for self-determination by the indigenous peoples (CAPI)
Paraguay	Alegre, Efraín	Minister of Public Works
Paraguay	Balbuena, Maggie	Rural leader, National Coordinating Body for Rural and Indigenous Women (CONAMURI)
Paraguay	Bareiro, Line	Sociologist
Paraguay	Belarmino, Balbuena	Rural leader, National Coordinating Committee of Rural Organizations
Paraguay	Bendaña, Enrique	Titular Overseer of the Chamber of Advertisers
Paraguay	Benítez, Víctor	Coordinator-General, National Association of NGOs of Paraguay (POJOAJU)
Paraguay	Boccia, Alfredo	Political Analyst and Historian
Paraguay	Bogarín, José	President, Paraguayan Chamber of Cereal and Oil-bearing Grain Exporters
Paraguay	Borda, Dionisio	Minister of Finance
Paraguay	Buzarquis, Enrique Salim	President, Chamber of Deputies
Paraguay	Cardozo, Gustavo	President, Authentic Liberal Radical Party
Paraguay	Carrizosa, Miguel	President, National Congress
Paraguay	Castiglioni, Luis	President, Red Vanguard Movement; Ex Vice President
Paraguay	Castorino, Omar	Owner, Piegari Restaurant
Paraguay	Codas, Daniel	Vice President, Beloved Country Party
Paraguay	Codas, Roberto	Director of Agricultural Development
Paraguay	Cristaldo, Héctor	President, Union of Federations of Production
Paraguay	Duarte-Frutos, Nicanor	Ex President of the Republic
Paraguay	Feliciángeli, Mina	Director and journalist, Radio 1000
Paraguay	Filizzola, Carlos	President and Senator, Solidary Country Party and Legislative Branch
Paraguay	Filizzola, Rafael	Minister of the Interior
Paraguay	Franco, Federico	Vice Presidente of the Republic
Paraguay	Fretes, Antonio	Minister President, Supreme Court
Paraguay	García, Ernesto	Director, Ernesto García Producciones
Paraguay	González-Acosta, Víctor	Owner, González Acosta & Associates
Paraguay	González-Quintana, Enrique	Senator; representative of UNACE
Paraguay	Grillón, Alberto	Secretary-General and Senator, National Progressive Democratic Party and Legislative Branch
Paraguay	Haber-Neumann, Max	President, Center of Importers
Paraguay	Lacognata-Zaragoza, Héctor Ricardo	Chancellor
Paraguay	Lara-Castro, Jorge	Vice Chancellor
Paraguay	López-Perito, Miguel Ángel	Minister of the Presidency
Paraguay	Lugo, Fernando	President of the Republic
Paraguay	Macchi-Salín, Beltrán	President, Chamber of Commerce and

		Services
Paraguay	Mersán, Carlos	Director-General, Mersán Attorneys
Paraguay	Morales-Soler, Juan Manuel	President, Tribunal of Electoral Justice
Paraguay	Ovelar, Blanca	Ex Presidential Candidate
Paraguay	Oviedo, Lino	President, National Union of Ethical Citizens Party
Paraguay	Rivarola, Milda	Sociologist and historian
Paraguay	Rubiani, Pascual	Director, MASS Publicity and Agricultural Development
Paraguay	Samaniego, Lilian	President, National Association for the Republic (Red Party)
Paraguay	Spalding, James	Ambassador in the United States
Paraguay	Vierci, Antonio	Director, Ultima Hora newspaper; President, VIERCI Group
Paraguay	Zuccolillo, Aldo	Director, Editorial Azeta publishing house (ABC Color newspaper)
Peru	Alba-Castro, Luis Juan	President of Congress
Peru	Alessandro, Darío Pedro	Ambassador of Argentina
Peru	Anders, Peter	President, Chamber of Commerce of Lima
Peru	Bruce, Carlos	Vice President, Possible Peru Party
Peru	Castañeda, Luís	President, National Solidary Party; Mayor of Lima
Peru	Castillo, Jorge del	President, APRA Party
Peru	Chú-Villanueva, Magdalena	National Director, National Office of Electoral Processes
Peru	Flores-Nano, Lourdes	President, People's Christian Party (PPC)
Peru	Fujimori, Keiko	Legislator, Alliance for the Future Party
Peru	García-Belaúnde, José Antonio	Chancellor
Peru	García-Sayán, Diego	Vice President, Inter-American Human Rights Court
Peru	Izquierdo-Vásquez, Luis	Rector, National University of San Marcos
Peru	Morales, Fabiola	Vice President, Congress
Peru	Mulder, Mauricio	Secretary-General, Peruvian Aprista Party
Peru	Pizarro, Rómulo	Executive President, National Commission for Development and Life without Drugs
Peru	Rubio-Correa, Marcial	Rector, Pontifical Catholic University; ex Minister of Education
Peru	Simón, Yehude	President, Peruvian Humanistic Party
Peru	Sivina, Hugo	President, National Electoral Board
Peru	Toledo, Alejandro	Ex President of the Republic
Peru	Torre de la Piedra, Diego de la	President, La Viga, S.A.
Peru	Torres, Alfredo	Executive President, IPSOS Apoyo Opinión y Mercado S.A
Peru	Verástegui-Ledesma, Rocío del Pilar	Academician, Pontifical Catholic University
Spain	Alcántara, Manuel	University of Salamanca
Spain	Caldera, Jesús	Secretary of Ideas and Programs, Spanish Labor Socialist Party (PSOE)
Spain	Cebrián, Juan Luis	Journalist, writer and businessman
Spain	Cortés-Martín, Miguel Ángel	Legislator, People's Party
Spain	González, Felipe	Ex President
Spain	Iglesias, Enrique	Secretary-General of the Ibero-American Secretariat General

Spain	Iglesia, Juan Pablo de la	Secretary-General of the Spanish International Cooperation Agency
Spain	Jiménez-García-Herrera, Trinidad	Minister of Health and Social Policy
Spain	Paramio, Ludolfo	Journalist, sociologist and politician
Uruguay	Abdala, Pablo	Legislator, National Party
Uruguay	Abreu, Sergio	Ex Chancellor and Senator, National Party
Uruguay	Alonso, Verónica	Legislator, National Alliance Party
Uruguay	Amado, Fernando	Legislator and President, Vamos Uruguay (faction of the Red Party)
Uruguay	Amorín, José	Senator, Red Party
Uruguay	Arbilla, Danilo	Búsqueda weekly
Uruguay	Argimón, Beatriz	Legislator, National Party
Uruguay	Arregui, Roque	President, Chamber of Deputies
Uruguay	Astori, Danilo	Vice President of the Republic
Uruguay	Atchugarry, Alejandro	Legislator, Red Party
Uruguay	Bango, Julio	Legislator, Ample Front Party
Uruguay	Baraibar, Carlos	Senator, Ample Front Party
Uruguay	Bayardi, José	Legislator, Ample Front Party
Uruguay	Beramendi, Carmen	Director, Women's Institute (MIDES)
Uruguay	Bonomi, Eduardo	Senator, Ample Front Party
Uruguay	Bordaberry, Pedro	Presidential Candidate, Red Party
Uruguay	Botana, Sergio	Legislator, National Party
Uruguay	Brovetto, Jorge	President, Ample Front Party
Uruguay	Bruni, Jorge	Minister of the Interior
Uruguay	Bustillo-Bonasso, Francisco	Ambassador in Argentina
Uruguay	Caetano, Gerald	Professor, National University
Uruguay	Cánepa, Diego	Legislator, Ample Front Party
Uruguay	Cansan, Agustín	Líber SEREGNI Foundation (Ample Front Party)
Uruguay	Carámbula, Marcos	Vice President of the Republic
Uruguay	Celiberti, Lilián	Cotidiano Mujer
Uruguay	Chiruchi, Juan	Candidate for the Senate, National Unity Party
Uruguay	Couriel-Curiel, Alberto	Senator, Ample Front Party
Uruguay	Da Silveira, Pablo	Catholic University
Uruguay	Dalmás, Susana	Senator, Ample Front Party
Uruguay	Davrieux, Ariel	Legislator, Red Party
Uruguay	Delgado, Eduardo	El País newspaper
Uruguay	Donner, Hugo	Coordinator, CIU
Uruguay	Ehrlic, Ricardo	Intendante of Montevideo, Ample Front Party
Uruguay	Eschenagusia, Octacilio	President, Rural Federation
Uruguay	Fernández-Faingold, Hugo	Legislator, Red Party
Uruguay	Fernández, Gonzalo	Chancellor
Uruguay	Ferrari-Ibarra, Ariel	Representative of workers, Social Welfare Bank
Uruguay	Gallinal, Francisco	Senator and Founder of the Wilsonist Current, National Party
Uruguay	Garcé, Álvaro	Parliamentary Commissioner, Penitentiary System
Uruguay	García, Álvaro	Minister of Economics
Uruguay	Garcia, Enrique	Secretary-General, Andean Development Corporation (CAF)
Uruguay	Herrera, Belela	Ex Vice Minister of Foreign Affairs
Uruguay	Iturralde, Pablo	Legislator, National Party

Uruguay	Labadie, Gastón	Dean, ORT University
Uruguay	Lacalle, Luís Alberto	Ex President and Presidential Candidate, National Party
Uruguay	Lafluff, Omar	President, Congress of Intendants of Río Negro
Uruguay	Lalanne, Andrés	Latin American Center of Human Economics (CLAEH)
Uruguay	Laurnaga, María E.	Legislator, Socialist Party (Ample Front)
Uruguay	López-Goldaracena, Óscar	Expert in Human Rights
Uruguay	Lorenzo, Fernando	Economic Research Center (CINVE)
Uruguay	Lussich, Manuel	President, Rural Association of Uruguay
Uruguay	Mallo, Alma	Legislator, Red Party
Uruguay	Martínez, Daniel	Senator, Ample Front Party
Uruguay	Martínez, María Elena	Director, Human Rights (MEC)
Uruguay	Michelini, Rafael	Senator, Ample Front Party
Uruguay	Michelini, Felipe	Senator, New Space Party (Ample Front)
Uruguay	Mieres, Pablo	Presidential Candidate, Independent Party
Uruguay	Moreira, Constanza	Senator, Ample Front Party
Uruguay	Moreno, Artigas	Secretary, Rural Federation
Uruguay	Mujica, José	President
Uruguay	Murro, Ernesto	President, Social Welfare Bank
Uruguay	Muyo, Ignacio	Representative, University of the Republic UDELAR
Uruguay	Narbondo, Pedro	Director, Institute of Political Science, University of the Republic (UDELAR)
Uruguay	Nin-Novoa, Rodolfo	Ex President, Chamber of Senators; Ex Vice President of the Republic
Uruguay	Ortuño, Edgardo	Legislator, Ample Front Party
Uruguay	Padrón, Álvaro	Ex Technical Secretary, Coordinating Body for Union Central Committees of the Southern Cone; member of the Secretariat of PIT-CNT
Uruguay	Passada, Ivonne	Legislator, Ample Front Party
Uruguay	Patiño-Mayer, Hernán	Ambassador of Argentina
Uruguay	Patternain, Rafael	Observatory of Violence, Ministry of the Interior
Uruguay	Paysee, Daniela	Legislator, Ample Front Party
Uruguay	Peña, Adriana	Legislator, National Party
Uruguay	Penadés, Gustavo	Senator and Director of the National Party
Uruguay	Perazzo, Ivonne	Institute of Economics
Uruguay	Percovich, Margarita	Senator, Ample Front Party
Uruguay	Pereira, Marcelo	La Diaria
Uruguay	Pereyra, Susana	Legislator, People's Participation Movement; Director, Program to Integrate Irregular Settlements
Uruguay	Pérez-Antón, Romeo	Chief Researcher, Programs on Political Science and State, Democracy and Integration, Latin American Human Economics Center; Aportes Foundation (CW-National Party)
Uruguay	Pérez-Piera, Adolfo	President, Transparency and Public Ethics Board
Uruguay	Piñeyrúa, Analía	Legislator, National Concordance Movement
Uruguay	Posada, Iván	Legislator, Independent Party
Uruguay	Queirolo, Rosario	Political Scientist, LAPOP, University of Montevideo
Uruguay	Rivero, Martín	Directorate of International Cooperation (OPP)
Uruguay	Rosadilla, Luís	Legislator, Ample Front Party

Uruguay	Sanguinetti, Julio Luis	Legislator, Red Party (Battlista Forum)
Uruguay	Sanguinetti, Julio Maria	Ex President of the Republic
Uruguay	Scavarelli, Alberto	Representative, Red Party
Uruguay	Simón, María	Minister of Culture and Education
Uruguay	Toma, Miguel	Secretary of the Presidency of the Republic
Uruguay	Topolanski, Lucía	Senator, Ample Front Party
Uruguay	Tourn, Daisy	Legislator, Ample Front Party
Uruguay	Urruty-Navatta, Carlos A	President, Electoral Court
Uruguay	Varela, Alfonso	President, Chamber of Commerce
Uruguay	Viera, Tabaré	Senator, Red Party
Uruguay	Xavier, Mónica	Senator, Socialist Party
Uruguay	Zurbriggen, Cristina	Director, FLACSO Uruguay
USA	Bastian, Walter M.	Deputy Secretary for Hemispheric Affairs, Department of State
USA	Clifton, Jim	President, Gallup Group
USA	Davidow, Jeffrey	President, Institute of the Americas
USA	DeShazo, Peter	Director, Americas Program (CSIS)
USA	Domínguez, Jorge	Professor of International Affairs, Harvard University
USA	Drucker, Milton	Deputy Permanent Representative to the OAS
USA	Gacek, Stanley	Ex Vice President of the AFL–CIO Labor Union Organization
USA	Hakim, Peter	President Emeritus, Inter-American Dialogue
USA	Janiot, Patricia	Journalist
USA	Lomellin, Carmen	Permanent Representative to the OAS
USA	Lugar, Richard	Senator, Republican Party
USA	McCoy, Jennifer	Director, Carter Center
USA	Morales Jr., Héctor	Ex Permanent Representative to the OAS
USA	Munck, Gerardo L.	Professor, School of International Affairs, University of South Carolina
USA	Quilter, Peter	Senior Professional Staff, Committee on Foreign Affairs, Congress
USA	Restrepo, Don	Director for Hemispheric Affairs, White House; Advisor to President Barack Obama
USA	Schneider, Mark	Vice President, International Crisis Group
USA	Shannon, Tomas	Ambassador in Brazil
USA	Shifter, Michael	President, Inter-American Dialogue
USA	Sotero, Paulo	Director, Brazil Institute, Woodrow Wilson International Center for Scholars
USA	Valenzuela, Arturo	Under-Secretary of Hemispheric Affairs, Department of State; professor and director, Georgetown University
USA	Varela-Erasheva, Marcelo	Associate Director, Carter Center
Venezuela	Acosta, Enriqueta	Ministry of Information
Venezuela	Aguilar, Perdro Pablo	Ex member of Congress
Venezuela	Álvarez-Herrera, Bernardo	Ambassador in the United States
Venezuela	Britto, Luis	University professor
Venezuela	Petkoff, Teodoro	Ex Minister of Economics; journalist
Venezuela	Villegas, Ernesto	Ex Minister of Foreign Affairs; journalist